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US18318.2.10

(38)



[DOC. No. XXI.]

ABSTRACT

FROM THE

REPORTS OF CLERKS

OF THE

COURT OF APPEALS AND CIRCUIT COURTS,

RELATIVE TO

SUITS IN THEIR RESPECTIVE COURTS,

1852.

US 18318.2.10

~~Va Doc 2.10~~

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CLERK'S OFFICE, January 15, 1852.

SIR,

I have the honor to submit, according to law, an abstract from the reports of the clerks of the court of appeals and of the circuit courts, of the business and terms of their respective courts for the year ending the 30th of August 1851.

No reports have been received from the clerks of the circuit courts of Warwick, Matthews, Prince William, Grayson and Pleasants.

I am, very respectfully,

Yours, &c.

GEORGE W. MUNFORD,
C. H. D.

*To the Honorable the Speaker
of the House of Delegates.*

ABSTRACT FROM THE REPORTS OF THE CLERKS

OF THE

COURT OF APPEALS, SPECIAL COURT OF APPEALS, AND CIRCUIT COURTS.

For the year ending 30th August 1851, exhibiting the state of Suits in their respective Courts.

COURT OF APPEALS.

| JUDGES. | CLERKS. | LOCATION OF COURTS. | Suits commenced. | Pending. | Decided. | No. of days in session. | REMARKS OF CLERKS. |
|--|-------------------------------------|-----------------------------|------------------|------------|-----------|-------------------------|--|
| William H. Cabell, Pres. John J. Allen. Briscoe G. Baldwin. William Daniel. Richard C. L. Moncure. | Joseph Allen, John A. North, | Richmond, Lewisburg, | 81 30 | 416 192 | 124 31 | 135 48 | The term of the court commenced on 15th October 1850, and ended on 14th May 1851, comprising 160 days; during which time there were two recesses, one of 25 days, the other of 26 days, the actual session, exclusive of Sundays, being 135 days. The court continued in session until the 22d September, making the session 19 days more than reported; during which time 20 cases were decided, making the whole number disposed of during the last term 51. |
| | | | 111 | 608 | 155 | 183 | |
| | | | | | | | |

SPECIAL COURT OF APPEALS.

| | | | | |
|---|-----|-----|-----|-----|
| Joseph Allen, Richmond, | - | - | 56 | 64 |
| Total of both regular and special courts, | 111 | 608 | 211 | 247 |

CIRCUIT COURTS.

| JUDGES. | CLERKS. | COUNTIES AND CORPORATIONS. | ACTIONS AT LAW. | | | | SUITS IN EQUITY. | | | | PROSECUTIONS. | | | | | DAYS SESSION. | | | | REMARKS. | | | | |
|---------|--------------|--|--|---|--|---------------------------------------|--------------------------------------|---|---|--|--|--------------------------------------|---------------------------------------|--|--|--------------------------------------|--------------------------------------|--------------------------------------|--|---------------------------------------|--------------------------------------|---------------------------------------|--|--------|
| | | | No. commenced. | No. pending. | No. decided. | No. removed from other courts. | No. removed to other courts. | No. commenced. | No. pending. | No. interlocutory | No. decrees. | No. removed from other courts. | No. removed to other courts. | No. commenced. | No. pending. | No. decided. | No. nolle pros. | Changes of venue from the court. | Changes of venue to the court. | | Fall term. | Spring term. | Intermediata or special terms. | Total. |
| 1 | R. H. Baker, | L. R. Edwards, Joseph Turner, W. P. Underwood, N. P. Young, Benj. Riddick, J. J. Burroughs, Jno. Williams, Arthur Emmerson, | 73 23 21 30 47 83 229 260 | 56 16 4 21 30 53 165 182 | 69 84 17 28 47 77 180 177 | 2 — — — — 1 2 27 | — — — — — — — — | 15 5 3 7 14 15 12 17 | 35 11 — 7 15 15 6 23 | 23 — 6 5 15 12 6 16 | 13 — 1 — — — — — | — — — — — — — — | 9 5 2 8 7 3 1 26 | 8 5 1 9 5 3 16 17 | 7 — — 4 5 6 25 17 | 3 — — — — — — — | — — — — — — — — | — — — — — — — — | 3 2 2 2 3 3 14 13 | 4 2 2 2 3 6 3 14 | — — — — — — — — | 7 4 2 2 5 9 9 27 | Note 1. Note 2. Note 3. Note 4. | |
| | | Total in circuit, | 766 | 527 | 679 | 32 | 1 | 94 | 171 | 102 | 52 | 3 | 2 | 67 | 60 | 69 | 7 | — | — | 42 | 75 | 10 | 127 | |
| 2 | J. W. Nash, | Dinwiddie, F. Fitzgerald, Egbert G. Leigh, William S. Dauce, E. R. Turnbull, J. T. J. Mason, Ro. Gilliam, H. B. Guines, | 86 48 57 71 48 31 15 151 | 90 38 85 55 64 42 16 10 | 84 36 125 64 31 28 13 169 | 5 — 4 — — 1 1 4 | 1 — — — — — — — | 5 12 18 8 2 4 26 | 42 43 39 82 27 11 6 4 136 | 19 16 11 27 11 6 4 76 | 6 17 11 10 6 4 4 33 | — — — 1 — — 1 6 | 4 — — 1 — — 1 6 | 4 1 7 1 3 2 66 | 4 8 17 12 9 — 50 | 5 1 9 3 4 — 10 | — — — — — — — — | — — — — — — — — | — — 9 6 7 2 2 17 | 4 3 6 4 2 2 22 | 9 7 15 17 5 4 39 | Note 5. Note 6. | | |
| | | Total in circuit, | 607 | 452 | 547 | 14 | 3 | 92 | 385 | 179 | 91 | 8 | 7 | 85 | 92 | 38 | 30 | — | — | 43 | 50 | 8 | 191 | |

| | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|------------------|--------------------|-----------------------|--|-----|-----|-----|----|---|-----|-----|-----|-----|---|---|----|----|----|---|---|---|----|----|---|----|
| 2 | 3 | G. P. Scarborough, | Thos. O. Cogbill, | James City and Williamsburg, York, Warwick, Elizabeth City, Northampton, Accomack, | 80 | 52 | 76 | 5 | 1 | 13 | 138 | 45 | 9 | 6 | 1 | 10 | 9 | 1 | 3 | - | - | 12 | 6 | 5 | 23 |
| | | Bolivar Sheild, | | | 25 | 45 | 28 | 5 | 1 | 6 | 27 | 4 | - | - | - | 1 | - | - | - | - | - | 7 | 6 | - | 13 |
| | | S. S. Howard, | | | 45 | 58 | 31 | 2 | - | 16 | 42 | 17 | 6 | 1 | 1 | 3 | 3 | - | - | - | - | 4 | 5 | - | 9 |
| | | Lotus P. Rogers, | | | 29 | 7 | 25 | - | - | 5 | 16 | 7 | 6 | - | - | 5 | 2 | 4 | 1 | - | - | 5 | 4 | - | 9 |
| | | Robt. J. Poulson, | | | 80 | 36 | 91 | - | - | 17 | 110 | 47 | 11 | - | - | 7 | 8 | 6 | 1 | - | - | 12 | 12 | - | 24 |
| | | Total in circuit, | | | 259 | 198 | 251 | 12 | 2 | 57 | 333 | 120 | 32 | 7 | 3 | 25 | 22 | 11 | 5 | - | - | 40 | 33 | 5 | 78 |
| 4 | J. B. Christian, | Robert Pollard, | Robert Pollard, jr. | King William, King & Queen, Essex. | 51 | 23 | 34 | - | - | 11 | 47 | 15 | 15 | - | 1 | 3 | - | 3 | - | - | - | 6 | 6 | - | 12 |
| | | Jas. Roy Micou, | Robert N. Trice, | Middlesex, | 75 | 45 | 78 | 3 | - | 10 | 41 | 9 | 13 | - | - | 1 | 1 | - | 1 | - | - | 5 | 5 | - | 10 |
| | | John R. Cary, | Gloucester, Matthews. | | 55 | 38 | 43 | 1 | - | 11 | 32 | 20 | 11 | 1 | - | 1 | 4 | 5 | - | - | - | 4 | 3 | - | 7 |
| | | Total in circuit, | | | 52 | 37 | 28 | 1 | - | 6 | 31 | 12 | 8 | - | - | - | 1 | 4 | - | - | - | 3 | 3 | - | 6 |
| | | | | | 173 | 154 | 141 | 9 | - | 25 | 92 | 31 | 15 | 2 | - | 5 | 8 | 4 | - | - | - | 8 | 10 | - | 18 |
| | | | | | 406 | 302 | 324 | 14 | - | 63 | 243 | 90 | 62 | 3 | 1 | 10 | 14 | 16 | 1 | - | - | 26 | 27 | - | 53 |
| 3 | J. T. Lomax, | Ro. T. Dunaway, | A. J. Brent, | Lancaster, Northumberland, Richmond co. | 33 | 37 | 23 | - | - | 2 | 13 | 5 | 5 | - | - | - | 1 | - | - | - | - | 3 | 2 | - | 5 |
| | | Jos. R. Jeffries, | Chas. C. Baker, | Westmoreland, | 85 | 15 | 51 | 1 | - | 3 | 6 | 4 | 1 | - | - | 4 | 5 | 3 | 1 | - | - | 2 | 2 | - | 4 |
| | | Wm. H. Brown, | Robt. Hudgins, | Caroline, Spotsylvania, | 133 | 59 | 127 | 2 | - | 6 | 31 | 17 | 5 | - | - | - | 4 | - | - | - | - | 4 | 5 | - | 9 |
| | | J. J. Chew, | | | 86 | 116 | 78 | 2 | - | 6 | 33 | 13 | 11 | - | - | 3 | 2 | 2 | - | - | - | 2 | 2 | - | 4 |
| | | | | | 59 | 58 | 24 | - | - | 4 | 15 | 3 | 3 | - | - | 2 | 6 | 2 | 2 | - | - | 1 | 3 | - | 4 |
| | | | | | 82 | 40 | 81 | 2 | - | 8 | 55 | 45 | 9 | - | - | 2 | 6 | 2 | - | - | - | 5 | 6 | - | 11 |
| | | | | | 103 | 45 | 88 | 5 | - | 12 | 281 | 41 | 126 | 7 | 1 | 3 | 10 | 7 | 1 | - | - | 16 | 21 | - | 37 |
| | | | | | 581 | 370 | 472 | 12 | - | 41 | 439 | 128 | 160 | 7 | 1 | 14 | 34 | 16 | 4 | - | - | 33 | 41 | - | 74 |
| 6 | J. W. Tyler, | Wm. F. Phillips, | Thos. P. Knox, | Fauquier, Loudoun, Prince William, Fairfax, Alexandria, Stafford, | 144 | 254 | 138 | 10 | 1 | 53 | 430 | 183 | 63 | - | 3 | 2 | 2 | 2 | - | - | - | 9 | 10 | - | 19 |
| | | F. D. Richardson, | Cassius F. Lee, | | 146 | 163 | 112 | 3 | - | 85 | 168 | 82 | 30 | - | - | 2 | 7 | 1 | 1 | - | - | 5 | 4 | - | 9 |
| | | J. M. Conway, | | | 109 | 186 | 96 | 2 | - | 27 | 137 | 68 | 23 | - | - | 6 | 6 | 14 | 1 | - | - | 5 | 4 | - | 9 |
| | | | | | 77 | 204 | 85 | 1 | - | 26 | 112 | 38 | 32 | - | - | 2 | - | 2 | - | - | - | 7 | 6 | - | 13 |
| | | | | | 15 | 8 | 13 | - | - | 10 | 27 | 16 | 11 | 1 | 1 | - | 1 | 3 | 2 | - | - | 3 | 4 | - | 7 |
| | | | | | 491 | 815 | 444 | 16 | 1 | 151 | 574 | 387 | 159 | 1 | 4 | 12 | 16 | 22 | 4 | - | - | 29 | 28 | - | 57 |

Note 7.
Note 8.
Note 9.
Note 10.
Note 11.
Note 12.

CIRCUIT COURTS.

| JUDGES. | CLERKS. | COUNTIES AND CORPORATIONS. | ACTIONS AT LAW. | | | | SUITS IN EQUITY. | | | | PROSECUTIONS. | | | | DAYS SESSION. | | | | REMARKS. | | | |
|---------|----------------|--|-------------------------------|-------------------------------|------------------------------|-----------------------------------|----------------------------|-------------------------------|-------------------------------|----------------------------|-----------------------------------|---------------------------|----------------------------|---------------------------|------------------------|-------------------------------------|-----------------------------------|--------------------------|-------------------------|-----------------------|-----------------------------|----------|
| | | | No. commenced. | No. pending. | No. decided. | No. removed from other courts. | No. commenced. | No. pending. | No. interlocutory decrees. | No. final decrees. | No. removed from other courts. | No. commenced. | No. pending. | No. decided. | No. nolle pro. | Changes of venue from the court. | Changes of venue to the court. | Fall term. | | Spring term. | Interim or special term. | Total |
| 4 | J. B. Clopton, | R. W. Flournoy, Edm'd J. Christian, John D. Christian, Nar. W. Miller, Wm. O. Winston, | 53 24 13 98 19 | 149 19 32 259 104 | 63 26 17 108 14 | 5 - 3 - - | 9 4 8 11 17 | 96 21 35 77 118 | 39 6 29 18 54 | 27 6 6 10 18 | 1 - - - - | 16 6 8 2 - | 32 8 - 3 9 | 7 - 2 - 1 | 2 - - - - | - - - - - | - - - - - | 11 3 5 8 10 | 9 2 5 5 6 | 5 - 2 5 4 | 25 4 10 18 22 | |
| | | Total in circuit, | 207 | 563 | 228 | 9 | 49 | 347 | 146 | 63 | 1 | 28 | 53 | 10 | 4 | - | - | 34 | 29 | 16 | 79 | |
| 21 | J. S. Caskie, | Henrico and City of Richmond, | 460 | 509 | 509 | 65 | - | - | - | - | - | 29 | 31 | 33 | 3 | - | - | 134 | 124 | 40 | 298 | Note 13. |
| | J. Robertson, | Henrico and City of Richmond, | - | - | - | - | - | 104 | 813 | 363 | 891 | 2 | 1 | - | - | - | - | 75 | 34 | 24 | 136 | Note 14. |
| 8 | D. A. Wilson, | Cumberland, Buckingham, R. Eldridge, H. F. Boecoe, John D. Alexander, D. Rodes, | 49 131 64 113 177 | 48 224 40 108 187 | 62 141 66 14 163 | 2 1 - 6 10 | 11 21 14 33 17 | 81 184 53 170 279 | 18 28 22 14 75 | 13 16 8 21 21 | 1 2 1 - 2 | 62 18 8 2 14 | 65 11 4 4 7 | 7 4 2 1 9 | 16 4 - 6 1 | - - - - - | - - - - - | 9 16 5 12 41 | 3 6 5 10 26 | - - - - - | 12 22 9 22 67 | |
| | | Total in circuit, | 534 | 607 | 574 | 19 | 3 | 98 | 767 | 137 | 76 | 6 | 104 | 96 | 23 | 25 | - | 83 | 49 | - | 132 | |
| 5 | Wm. Leigh, | Wm. Holt, Winlow Robinson, B. J. Worsham, Thos. W. Winn, Richard B. Baptist, | 113 52 70 74 105 | 71 50 74 39 82 | 90 47 63 79 114 | 2 - - 1 - | 39 19 10 11 14 | 156 39 80 48 78 | 34 27 31 19 13 | 37 10 23 15 15 | 1 - - 1 - | 32 10 18 5 12 | 51 10 47 27 14 | 25 6 45 13 12 | 5 - 4 19 - | - - - - - | - - - - - | 13 4 9 4 4 | 13 3 7 4 4 | - - - - - | 26 7 16 8 8 | Note 15. |
| | | Total in circuit, | 412 | 316 | 393 | 3 | 93 | 401 | 114 | 105 | 1 | 77 | 149 | 103 | 28 | - | - | 34 | 31 | - | 65 | |

| | | | | | | | | | | | | | | | | | | | | | | | | | |
|-----|-------------------|--|---------------------------------------|--|--|---------------------------------|---------------------------------|-------------------------------------|---|---------------------------------------|--------------------------------------|---------------------------------|----------------------------|-------------------------------|---------------------------------|-----------------------------------|---------------------------------|----------------------------|----------------------------------|---------------------------------|--------------------------------------|--------------------------------------|----------------------------------|--|--|
| 10 | N. M. Taliaferro, | J. N. Zentmeyer, Sam'l G. Staples, Anth'y M. Dupuy, M. G. Carper, Wm. H. Tunstall, Jos. Wilson, | 23 32 40 123 118 109 | 22 87 54 110 145 197 | 19 17 51 115 137 116 | 2 - - 2 - 4 | - - - - - - | 15 35 5 85 31 25 | 38 27 34 55 133 216 | 37 27 16 28 35 43 | 13 22 6 2 6 5 | - - - 2 - 1 | - - - - - - | - - - - - - | 71 12 21 8 38 10 | 7 14 22 8 48 22 | 9 10 3 1 3 13 | 6 3 1 1 3 - | - - - - - - | 5 9 6 9 15 12 | 4 9 6 8 15 11 | - - - - - - | 9 18 11 17 30 29 | Note 16. Note 17. Note 18. Note 19. | |
| | | Total in circuit, | 445 | 615 | 455 | 8 | - | 105 | 541 | 213 | 134 | 13 | 1 | 96 | 121 | 71 | 14 | 55 | 53 | 6 | 114 | | | | |
| 611 | R. H. Field, | John Hunter, Alex'r Shepherd, Philip S. Fry, Robert Pritchett, Belfield Cave, R. G. Ward, W. J. Menifee, | 79 77 59 18 50 42 7 | 146 44 106 34 35 79 19 | 45 63 63 13 50 79 12 | 1 8 - - - 3 1 | 1 - - - - - - | 12 12 9 10 9 21 6 | 58 69 65 28 13 132 43 | 24 38 16 9 13 65 22 | 14 15 10 7 10 16 6 | - 3 1 - - 3 - | - - - - - - | - - - - - - | 2 4 - 6 5 2 3 | 2 4 6 12 3 10 4 | 4 6 2 2 6 4 5 | - - - - - - | 5 7 8 8 10 8 4 | 7 8 5 4 4 3 3 | 2 12 13 12 12 21 7 | 14 12 13 12 12 3 - | Note 20. Note 21. Note 22. | | |
| | | Total in circuit, | 332 | 463 | 330 | 13 | 2 | 79 | 431 | 187 | 78 | 7 | - | 22 | 41 | 29 | 5 | 47 | 39 | 5 | 91 | | | | |
| 12 | L. P. Thompson, | Robert Tinsley, Sam'l McD. Reid, Howell S. Brown, Alex'r Garrett, N. C. Kinney, | 185 174 104 156 155 | 230 137 172 217 232 | 160 140 138 180 143 | 2 - 7 4 1 | - - - - - | 37 32 57 32 51 | 322 122 129 322 496 | 122 72 124 22 103 | 50 10 20 1 30 | - - 1 - - | 1 - - - - | 3 12 6 26 41 | 16 5 11 35 41 | 9 21 7 8 4 | - - 5 4 4 | - - - - - | 14 11 10 10 11 | 13 11 10 12 19 | - - - - - | 27 22 20 22 30 | Note 23. | | |
| | | Total in circuit, | 774 | 988 | 741 | 14 | - | 199 | 1356 | 443 | 127 | 1 | 1 | 88 | 108 | 49 | 9 | 56 | 65 | - | 121 | | | | |
| 713 | R. E. Parker, | Robert T. Brown, Israel Robinson, Isiah Buck, John B. White, J. Kean, H. H. Lee, | 238 133 28 153 115 97 | 201 109 36 140 121 42 | 211 99 31 174 113 96 | 1 4 - 4 - - | 1 - 1 - - - | 35 14 2 31 35 10 | 230 29 32 49 364 34 | 64 29 8 19 63 6 | 32 14 2 19 30 10 | 1 - 1 2 2 - | - - - 2 - | 4 14 14 7 4 15 | 19 11 15 9 7 17 | 5 6 2 2 3 10 | 1 - - 3 1 1 | - - - - - | 14 7 2 5 5 3 | 10 6 3 6 6 4 | - - - - - | 24 13 3 5 11 14 | Note 24. Note 25. | | |
| | | Total in circuit, | 764 | 649 | 724 | 9 | 2 | 127 | 982 | 219 | 107 | 4 | - | 58 | 78 | 30 | 6 | 36 | 38 | - | 74 | | | | |

[illegible]

CIRCUIT COURTS.

| JUDGES. | CLERKS. | COUNTIES AND CORPORATIONS. | ACTIONS AT LAW. | | | | SUITS IN EQUITY. | | | | | | PROSECUTIONS. | | | | | | DAYS OF SESSION. | | | | REMARKS. | |
|---------|------------|--|---|--|--|--|--|--|---|--|---|---|---|---|---|--------------------------------------|--------------------------------------|--------------------------------------|---|--|--------------------------------------|--|----------|----------------------------------|
| | | | No. commenced. | No. pending. | No. decided. | No. removed from other courts. | No. removed to other courts. | No. commenced. | No. pending. | No. interlocutory. | No. decrees. | No. final decrees. | No. removed from other courts. | No. removed to other courts. | No. commenced. | No. pending. | No. decided. | No. nolle pros. | Changes of venue from the court. | Changes of venue to the court. | Fall term. | Spring term. | | Intermediate or special term. |
| 20 | J. L. Fry, | J. H. Atkinson, Adam Kuhn, A. T. Laidley, Jas. D. Morris, Friend Cox, D. Hickman, F. D. Hickman, W. T. Willey, | 17 63 418 33 39 73 34 66 | 21 49 236 49 16 52 32 74 | 22 59 344 33 23 64 48 71 | - - 7 - - 9 28 | - - - - - - - - | 5 14 56 20 22 10 8 21 | 12 79 136 61 29 52 45 87 | 15 14 43 18 2 5 18 41 | 6 9 63 15 - - - - | - - - - - - - - | 1 3 10 1 18 11 23 | - 8 9 2 10 16 18 | 1 2 2 - 2 3 3 1 | - - - - 6 - - - | - - - - - - - - | - - - - - - - - | 6 5 25 3 3 6 6 8 | 4 6 31 6 2 4 5 10 | - - - - - - - - | 10 11 56 9 5 10 11 18 | Note 39. | |
| | | Total in circuit, | 743 | 529 | 354 | 44 | - | 156 | 501 | 156 | 147 | 10 | - | 70 | 60 | 40 | 19 | - | - | 62 | 68 | - | 130 | |
| 22 | G. H. Lee, | Jas. O. Watson, John P. Byrne, A. Armstrong, E. D. Wilson, B. L. Brown, W. Newton, John Talbot, G. G. Davison, George W. Miller, | 190 94 60 58 21 49 156 168 18 | 161 97 50 115 46 26 209 162 17 | 114 78 29 68 31 60 152 159 1 | - 1 - 11 1 1 1 11 | 24 - - 1 - 2 2 9 - | 38 21 105 7 39 5 12 26 6 | 75 105 23 127 35 42 263 239 6 | 22 24 21 3 16 6 4 8 12 19 35 30 43 | 24 21 4 20 4 12 - - - | - - 2 1 - - - - - | 37 86 12 10 7 2 15 22 5 | 31 98 20 12 12 23 2 22 12 13 | 16 20 6 - 4 5 - - - | 1 5 - - - - - - | - - - - - - - - | - - - - - - - - | 5 6 - 5 7 4 3 15 13 | 11 9 2 5 6 - 12 10 8 | - - - - - - - - | 16 15 10 17 13 7 27 31 2 | Note 40. | |
| | | Total in circuit, | 814 | 883 | 692 | 25 | 38 | 198 | 905 | 198 | 168 | 14 | 22 | 195 | 254 | 79 | 47 | - | - | 55 | 68 | - | 15, 138 | |

RECAPITULATION.

CIRCUIT SUPERIOR COURTS OF LAW AND CHANCERY.

Number of Suits, &c. in each Circuit, 30th August 1851.

| District. | Circuits. | No. of counties, towns and cities in each circuit. | JUDGES. | ACTIONS AT LAW. | | | | | | SUITS IN EQUITY. | | | | | | PROSECUTIONS. | | | | | | DAYS OF SESSION. | | | | REMARKS. |
|-----------|-----------|--|--------------------|-----------------|--------------|--------------|--------------------------------|------------------------------|----------------|------------------|--------------|--------------------|--------------------|--------------------------------|------------------------------|----------------|--------------|--------------|---------------------|----------------------------------|--------------------------------|------------------|---------|---------------------------|--------|--|
| | | | | No. commenced. | No. pending. | No. decided. | No. removed from other courts. | No. removed to other courts. | No. commenced. | No. pending. | No. decrees. | No. interlocutory. | No. final decrees. | No. removed from other courts. | No. removed to other courts. | No. commenced. | No. pending. | No. decided. | No. nolle prosequi. | Changes of venue from the court. | Changes of venue to the court. | Fall. | Spring. | Intermediate and special. | Total. | |
| 1 | 1 | 8 | R. H. Baker, | 766 | 527 | 679 | 32 | 1 | 94 | 171 | 102 | 52 | 3 | 2 | 67 | 60 | 69 | 7 | — | — | — | 42 | 75 | 10 | 127 | |
| 2 | 2 | 8 | John W. Nash, | 607 | 452 | 547 | 14 | 3 | 92 | 385 | 179 | 91 | 8 | 7 | 85 | 92 | 38 | 30 | — | — | — | 43 | 50 | 8 | 101 | No return from the county of Warwick. |
| 3 | 3 | 6 | G. P. Scarborough, | 259 | 198 | 251 | 12 | 2 | 57 | 333 | 120 | 32 | 7 | 3 | 25 | 22 | 11 | 5 | — | — | — | 40 | 33 | 5 | 78 | No report from the county of Mathews. |
| 4 | 4 | 5 | John B. Christian, | 406 | 302 | 328 | 14 | — | 63 | 243 | 90 | 62 | 3 | 1 | 10 | 14 | 16 | 1 | — | — | — | 26 | 27 | — | 53 | No report from the county of Prince William. |
| 5 | 5 | 7 | John T. Lomax, | 581 | 370 | 472 | 12 | — | 41 | 439 | 128 | 160 | 7 | 1 | 14 | 34 | 16 | 4 | — | — | — | 33 | 41 | — | 74 | |
| 6 | 6 | 6 | John W. Tyler, | 491 | 815 | 444 | 16 | 1 | 151 | 874 | 387 | 159 | 1 | 4 | 12 | 16 | 22 | 4 | — | — | — | 29 | 28 | — | 57 | |
| 7 | 7 | 5 | John B. Clopton, | 207 | 563 | 228 | 9 | — | 49 | 347 | 146 | 63 | 1 | 1 | 28 | 53 | 10 | 4 | — | — | — | 34 | 29 | 16 | 79 | |
| 8 | 8 | 2 | John S. Caakie, | 460 | 509 | 509 | 65 | — | — | — | — | — | — | — | 29 | 31 | 33 | 3 | — | — | — | 134 | 124 | 40 | 298 | |
| 9 | 9 | 2 | John Robertson, | — | — | — | — | — | 104 | 813 | 363 | 891 | 2 | 1 | — | — | — | — | — | — | — | 78 | 34 | 24 | 136 | |
| 10 | 10 | 6 | Daniel A. Wilson, | 534 | 607 | 574 | 19 | 3 | 98 | 767 | 157 | 76 | 6 | — | 104 | 96 | 23 | 25 | — | — | — | 83 | 49 | — | 132 | |

| | | | | | | | | | | | | | | | | | | | | | | | |
|----|----|------------------|-------------------|-------|-------|------|-----|-----|------|-------|------|------|-----|----|------|------|------|-----|---|------|------|-----|------|
| 5 | 9 | 5 | William Leigh, | 412 | 316 | 393 | 3 | - | 93 | 401 | 114 | 105 | 1 | 1 | 77 | 149 | 103 | 28 | - | 34 | 31 | - | 65 |
| 10 | 10 | 6 | N. M. Taliaferro, | 445 | 615 | 455 | 8 | - | 105 | 541 | 213 | 134 | 13 | 1 | 96 | 121 | 71 | 14 | - | 55 | 53 | 6 | 114 |
| 6 | 11 | 7 | Richard H. Field, | 332 | 463 | 330 | 13 | 2 | 79 | 431 | 187 | 78 | 7 | - | 22 | 41 | 29 | 5 | - | 47 | 39 | 5 | 91 |
| 12 | 5 | L. P. Thompson, | 774 | 988 | 741 | 14 | - | 199 | 1356 | 443 | 127 | 1 | 1 | 88 | 108 | 49 | 9 | 1 | - | 56 | 65 | - | 121 |
| 7 | 13 | 6 | Rich'd E. Parker, | 764 | 649 | 724 | 9 | 2 | 127 | 982 | 219 | 107 | 4 | - | 58 | 78 | 30 | 6 | - | 36 | 38 | - | 74 |
| 14 | 6 | Green B. Samuel, | 378 | 241 | 216 | 4 | 1 | 96 | 343 | 74 | 21 | 5 | 5 | - | 30 | 50 | 20 | 3 | - | 15 | 14 | - | 29 |
| 8 | 15 | 6 | Benjamin Estill, | 263 | 360 | 272 | 2 | 1 | 69 | 341 | 66 | 65 | 3 | - | 138 | 166 | 92 | 73 | - | 34 | 31 | - | 65 |
| 16 | 8 | James E. Brown, | 385 | 490 | 241 | 11 | - | 86 | 346 | 80 | 46 | 2 | 1 | 71 | 148 | 55 | 18 | - | - | 23 | 22 | - | 45 |
| 9 | 17 | 8 | Edward Johnston, | 338 | 396 | 277 | 7 | - | 83 | 410 | 81 | 79 | 2 | 1 | 68 | 107 | 35 | 16 | - | 27 | 28 | - | 55 |
| 18 | 8 | Mathew Dunbar, | 754 | 739 | 623 | 10 | 3 | 75 | 329 | 75 | 48 | 4 | 4 | 1 | 132 | 228 | 76 | 37 | - | 56 | 56 | - | 112 |
| 10 | 19 | 9 | David McComas, | 394 | 682 | 443 | 35 | - | 143 | 416 | 72 | 62 | 2 | - | 242 | 378 | 177 | 40 | - | 55 | 48 | - | 103 |
| 20 | 8 | Joseph L. Fry, | 743 | 529 | 354 | 44 | - | 156 | 501 | 156 | 147 | 10 | - | 70 | 60 | 40 | 19 | - | - | 62 | 68 | - | 130 |
| 22 | 9 | George H. Lee, | 814 | 883 | 692 | 25 | 38 | 198 | 905 | 128 | 168 | 14 | 14 | 22 | 195 | 254 | 79 | 47 | - | 55 | 68 | 15 | 138 |
| | | | | 11107 | 11694 | 9793 | 378 | 57 | 2236 | 11674 | 3580 | 1973 | 106 | 48 | 1661 | 2306 | 1092 | 398 | 1 | 1097 | 1051 | 129 | 2277 |

No report from the
county of Grayson.

No report from the
county of Pleasants.

Judgments at law,
Interlocutory decrees,

9,793
3,580

Number of appeals allowed,
Causes decided in court of appeals, regular
and special,

111—being less than $\frac{1}{4}$ of one per cent.
211

Final decrees, - - - 1,973

Total decisions from which appeals may be had, 15,346

Excess of decisions over appeals, -

100

E. E.

GEORGE W. MUNFORD,
C. H. D.

REMARKS OF CLERKS.

FIRST CIRCUIT.

Note 1.—SOUTHAMPTON.—Scire faciases to revive judgments and judgments entered in the office are embraced in this return.

Note 2.—GREENESVILLE.—Dismissals at rules on the law side of the court are included in this report. One chancery cause has been dismissed at rules.

Note 3.—SURREY.—Of the number of actions at law here stated to have been decided, two were judgments confessed in the clerk's office, and three were judgments on forthcoming bonds.

Note 4.—NANSEMOND.—In the number of final decrees in equity are included three dismissals.

SECOND CIRCUIT.

Note 5.—DINWIDDIE.—The judge arrived at the courthouse at the fall term, but was too sick to open the court.

Note 6.—PRINCE GEORGE.—The object of the law requiring this return having been accomplished prior to the late revision, it was hoped that this troublesome imposition upon the clerks of the court of appeals and the circuit courts of this commonwealth would at that revision have been dispensed with; but, strange to say, legislature after legislature meets, and regardless of the injustice of requiring a man's services without a quid pro quo, the onerous impositions of these returns are still demanded. When the wheels of government under the new constitution are set in motion, we anticipate a repeal of this oppressive and unconstitutional law.

THIRD CIRCUIT.

Note 7.—WARWICK.—No return.

FOURTH CIRCUIT.

Note 8.—GLOUCESTER.—In the suits decided at law, one was a contested will case, which occupied four days of the term.

Note 9.—MATTHEWS.—No report from this county.

SIXTH CIRCUIT.

Note 10.—FAUQUIER.—In the actions decided I have not included judgments on forthcoming bonds, or notices on motions, because I am forbidden to do so by sec. 25 of chap. 163 of the Code. But in the actions at law commenced, I have included eight motions on forthcoming bonds, and three suits by supersedeas; because, under the terms of the 13th sec. of chap. 39, and the 3d sec. of chap. 40, as amended by preamble and 1st sec. of Sessions Acts of 1849-50, page 12, I regard motions on forthcoming bonds as suits upon which the like tax is to be paid as upon any other suits; and I also regard as taxable, in like manner, all motions that may be made under sec. 4 of chap. 168; all suggestions that may be made under the 10th sec. of chap. 188; and all interpleaders under sec. 2 of chap. 152—the whole being, in my opinion, suits within the meaning of the aforesaid 13th section of chap. 39 and 3d sec. of chap. 40; and, in this opinion, the attorney general agrees with me; but there are clerks who differ from me, and who charge no taxes on these motions, suggestions and interpleaders. I therefore respectfully suggest to the legislature the propriety and expediency of removing all doubt upon this subject by legislative enactment.

Note 11.—LOUDBURN.—Two motions under the 5th section of chap. 167 of Code of Virginia were made in this court during past year.

Note 12.—PRINCK WILLIAM.—No report from this county.

TWENTY-FIRST CIRCUIT.

Note 13.—HENRICO AND CITY OF RICHMOND.—1850, Judge Robertson occupied the bench the whole term. At January term 1851, Judge Robertson occupied the bench 64 days, Judge Caskie 5, and Judge Clepton 9 days thereof. At June term 1851, Judge Robertson occupied the bench thirty-two days and Judge Clepton two days thereof. Of the final decrees, eight hundred and five were dismissals under the statute for want of proceedings within seven years, and the rest were of the regular business of the court. Besides the final decrees there were six dismissals at the rules.

Note 14.—HENRICO AND CITY OF RICHMOND.—*At November Special Term.*—In the number of civil cases commenced are included 14 writs of scire facias, 4 writs of superseatas, 14 motions on forthcoming bonds, 18 motions provided for by chap. 167 sec. 5 of the Code, and three attachments issued by justices of the peace in vacation of the court, under chap. 151 of the Code. In the number decided are embraced 120 nonsuits, and dismissals entered at rules and confirmed in court on the 15th day of its term, and 17 judgments confessed in the office. In the number of prosecutions commenced are embraced 5 writs of error and 3 cases of convicts in the penitentiary. During the 48 days of the spring criminal term, the spring civil term was also in session 25 days. During the 76 days of the spring civil term, the spring criminal term was also in session 25 days, and an intermediate civil term appointed for the trial of a contested will case, removed from the county of Louisa, and commencing on the 8th of May 1851, was also in session 40 days.

NINTH CIRCUIT.

Note 15.—LUNENBURG.—In the number of suits pending in equity are included 15 at rules, in which no steps have been taken for years.

TENTH CIRCUIT.

Note 16.—HENRY.—One prisoner was tried for felony at the fall term, and 2 at the spring term. No order granting leave to file bills or answers or orders of continuance are embraced in this report.

Note 17.—FRANKLIN.—There were many motions other than those on delivery bonds and those authorized by sec. 5 of chap. 167, none of which, except those last mentioned, are included in this report. There are also pending several motions which are not included in the number of suits reported as pending, they not being such motions as are authorized by the section and chapter above mentioned.

Note 18.—PITTSYLVANIA.—Of the 145 actions at law pending, 92 are on the issue docket and 53 on the rule docket; most of the latter, however, by proceedings at Sept. and Oct. rules, will be put on the office judgment docket at October term next. Of the law cases decided 50 were judgments by default.

Note 19.—BEDFORD.—Of the causes at law 128 are on the court docket and 69 at rules. Of chancery causes 113 on the court docket and 103 at rules.

ELEVENTH CIRCUIT.

Note 20.—LOUISA.—There were also 14 actions at law dismissed in court, and 10 dismissed at rules. There were 3 chancery causes dismissed in court, and 4 at rules.

Note 21.—ORANGE.—Attended with much trouble and no pay.

Note 22.—RAPPAHANNOCK.—Motions on forthcoming bonds, other motions and proceedings against witnesses, &c. not included.

TWELFTH CIRCUIT.

Note 23.—AUGUSTA.—Judgments on delivery bonds not included.

THIRTEENTH CIRCUIT.

Note 24.—HAMPSHIRE.—Of the chancery cases depending 14 are at rules, 92 on the trial docket, and 67 deferred issues.

Note 25.—FREDERICK.—There were also 14 judgments or awards of execution on forthcoming bonds on the law side, and 2 on the chancery side. The large number of chancery suits depending is accounted for by my former reports. A large number of these will, however, be disposed of at the next term, no proceedings but to continue them having been taken in them for more than seven years, and there being no good reason for keeping them on the docket.

FOURTEENTH CIRCUIT.

Note 26.—PAGE.—This is a laborious task to clerks for no compensation.

Note 27.—SHEWANDOAH.—Judgments on forthcoming bonds not included. Discontinuances as included in cases decided.

Note 28.—WARREN.—Three notices for infractions of the rights of a chartered company pending in the court are not embraced in this report.

FIFTEENTH CIRCUIT.

Note 29.—WASHINGTON.—In the report of cases decided nolle prosequis are not included.

SIXTEENTH CIRCUIT.

Note 30.—GRAYSON.—No report from this county.

Note 31.—MERCER.—No court was held at the spring term on account of the judge's ill health.

Note 32.—MONROE.—The judge was very much indisposed at the fall term and could sit only three days.

SEVENTEENTH CIRCUIT.

Note 33.—BOTETOURT.—Of the cases at law decided, 15 were dismissals in the office at rules. Of the cases in chancery pending 150 are on the court docket and 28 are at rules. Of the cases in chancery decided 20 were dismissals in the office at rules. It will be seen by a comparison of this report with the last, that there has been an increase of more than 50 per cent. in the number of suits commenced at law, whilst there has been a small decrease in the number commenced in chancery.

Note 34.—CRAIG.—The court being organized in April last, consequently there was no fall term.

Note 35.—ROANOKE.—Motions on forthcoming bonds not included.

EIGHTEENTH CIRCUIT.

Note 36.—BOONE.—Number of suits at law commenced, includes three writs of superse-deas. Number decided includes two supersedeas judgments.

Note 37.—FAYETTE.—No judgments on delivery bonds or notices included.

Note 38.—WYOMING.—Several suits have not and will not go into trial.

TWENTIETH CIRCUIT.

Note 39.—MONONGALIA.—In the actions at law pending, 12 cases at rules are included, and in the suits in equity 20 cases at rules.

TWENTY-SECOND CIRCUIT.

Note 40.—MARION.—The entire spring term was taken up in the trial of criminal causes. There has been a great increase of business in this court, both civil and criminal, during the year, in consequence of the construction of the Baltimore and Ohio railroad through the county. We also have a number of suggestions against the Board of public works for damages for the construction of the Ohio river and Maryland turnpike road, which I have not included in this report. Judgments on forthcoming bonds not included.

Note 41.—UPSHUR.—This court being organized on the 17th June 1851, there was only one term held during the year ending 31st August 1851.

REPORT OF CLERK OF CIRCUIT COURT OF MASON.

The following return from the clerk of the circuit court of Mason county has been received since the abstract was prepared:

Report of the Business in and Days of Session of the Circuit Court of Mason County for the year ending August 31st, 1851.

| ACTIONS AT LAW. | | | | | SUITS IN EQUITY. | | | | | PROSECUTIONS. | | | | | DAYS OF SESSION. | | | | | |
|-----------------|--------------|--------------|--------------------------------|------------------------------|------------------|--------------|----------------------------|--------------------|--------------------------------|------------------------------|----------------|--------------|--------------|-----------------|----------------------------------|--------------------------------|-----------------------|----------------------|--------------------------------|--------|
| No. commenced. | No. pending. | No. decided. | No. removed from other courts. | No. removed to other courts. | No. commenced. | No. pending. | No. interlocutory decrees. | No. final decrees. | No. removed from other courts. | No. removed to other courts. | No. commenced. | No. pending. | No. decided. | No. nolle pros. | Changes of venue from the court. | Changes of venue to the court. | March or Spring term. | August or Fall term. | Intermediate or special terms. | Total. |
| 42 | 37 | 17 | 1 | - | 6 | 17 | 3 | 4 | - | - | 8 | 16 | 10 | 3 | - | - | 8 | 7 | - | 179 |

The action at law reported as removed from another court is an appeal from the county court of Mason county.

P. W. HALE, *Cfk pro tem.*

[DOC. No. XXII.]

REPORT

OF

THE COMMITTEE

APPOINTED TO REVISE THE

RULES OF THE HOUSE OF DELEGATES.

1852.

REPORT.

The committee appointed to revise the rules of the house and adapt them to the constitution, have performed that duty, and report the following rules, which they recommend for adoption :

1. No member shall absent himself from the service of the house, without leave, unless he be sick and unable to attend.

2. When any member is about to speak in debate or deliver any matter to the house he shall rise from his seat, and, without advancing, shall, with due respect, address "Mr. SPEAKER," confining himself strictly to the point in debate, avoiding all indecent and disrespectful language.

3. When any member rises and addresses the chair the speaker shall recognize him by his name; but no member shall designate another by name.

4. No member shall speak more than *twice* in the same debate without leave.

5. A question being once determined must stand as the judgment of the house, and cannot, during the same session, be drawn again into debate.

6. While the speaker is reporting or putting a question none shall entertain private discourse, read, stand up, walk into, out of, or across the house.

7. No member shall vote on any question in the event of which he is immediately and personally interested, nor in any other case where he was not present when the question was put by the speaker or chairman in any committee.

8. Every member who shall be in the house when any question is put, shall, on a decision, be counted on one side or the other.

9. A majority of delegates shall constitute a quorum to do business; and every question shall be determined according to the vote of a majority of the members present, except where the constitution otherwise provides; any smaller number, together with the speaker, shall be sufficient to adjourn; twenty may call a house, send for absentees, and make any order for their censure or discharge.

10. On a call of the house, the doors shall not be closed against any member until his name shall have been once enrolled.

11. Any member, sustained by thirteen others, shall have a right, before the question is put, to demand the yeas and nays on the decision of any question; and on such occasion the names of the members shall be called over by the clerk, and the yeas and nays respectively entered on the journal, and the question decided as a majority shall thereupon appear. After the yeas and nays shall have been taken,

and before they are counted or entered on the journal, the clerk shall read over the names of those who voted in the affirmative and of those who voted in the negative, at which time any member shall have the right to correct any mistake committed in enrolling *his* name.

12. No business shall be introduced or considered after 12 o'clock, until the orders of the day be disposed of, except messages from the senate or executive. Among the orders of the day, those which are general in their nature shall have precedence over such as are private or local.

13. The speaker may call any member to the chair, who shall exercise its functions for the time; but no member, by virtue of such appointment, shall preside for a longer time than three days.

14. The speaker shall set apart convenient seats for the use of the members of the senate and executive, and of the judges of the superior courts of this commonwealth and of the United States, and of such other persons as he may invite within the bar of the house.

15. All bills or other business shall be despatched in the order in which they are introduced, unless the house shall direct otherwise in particular cases. In future, all bills of a general nature shall, after their first reading, be printed for the use of the house.

16. The clerk shall not permit any records or papers to be taken from the table or out of his possession; but he may deliver to a member any bills depending before the house, on taking his receipt for the same.

17. The journal of the house shall be drawn up by the clerk on each day, and, after being examined by the speaker, shall be printed and delivered without delay.

18. The clerk shall publish with the laws all resolutions of a general nature, annex general marginal notes to each law or resolution, and subjoin an index to the whole.

19. The clerks of the senate and house of delegates may interchange messages at such time, between the hour of adjournment and that of meeting on the following day, as that the said messages may be read immediately after the orders of the day.

20. The motion for the previous question shall not be debatable. As soon as a member moves the previous question, the speaker shall, if the motion be seconded by twenty members, (which shall be without debate,) proceed to propound the question "Shall the main question be now put?"

21. No petition of a private nature, having been once rejected, shall be acted on a second time unless it be supported by new evidence; nor shall any such petition, after a third disallowance, be again acted on. The several clerks of committees shall keep alphabetical lists of all such petitions, specifying the sessions at which they were presented and the determination of the house thereon; and shall deliver the original petitions to the clerk of the house, to be preserved in his office.

22. No petition or memorial shall be received, praying for the division of a county or parish, changing the place of holding any court or other local matter, unless the purport of such petition or memorial

shall have been fixed up at the courthouse door of the county where such alteration is proposed, at two different courts, and shall have remained there one day during the sitting of each court, and at least one month shall have passed after the holding of the last court, and before the petition or memorial is presented. And no petition or memorial shall be received, or bill brought in for establishing or discontinuing ferries, nor for any other purpose affecting private rights or property, unless the parties interested shall have had one month's notice; and if they be not known to the petitioner or memorialist, the purport of the petition, memorial or bill shall be set up at the courthouse in the manner before directed, and *also* three times inserted in some newspaper in the state most convenient for conveying the intended information, one month before offering or moving the same.

23. No petition shall be received claiming a sum of money, or praying the settlement of unliquidated accounts, unless it be accompanied with a certificate of disallowance from the executive or auditor, containing the reason why it was rejected. But this order shall extend to no person applying for a pension.

24. When any petition, or bill founded on one, is rejected, such petition shall not be withdrawn, but the petitioner, or member presenting his petition, or any member from the county or corporation in which the petitioner resides, may, without leave, withdraw any document filed therewith; and a list of every document so withdrawn shall be preserved by the clerk. All petitions not finally acted on may, with the accompanying documents, be in like manner withdrawn, after the expiration of the session at which they were presented.

25. No petition shall be read in the house, unless particularly required by some member; but every member presenting one shall announce the name of the petitioner, the nature of the application, and whether in his opinion a similar application had been before made by said petitioner. He shall endorse the same on the petition, and sign his own name thereon as a pledge that it is drawn in respectful language: whereupon it shall be delivered to the clerk, by whom it shall be laid before the proper committee.

26. At the commencement of each session the following committees shall be appointed by the speaker, to consist of not less than nine nor more than thirteen members:

- A committee of privileges and elections.
- A committee for courts of justice.
- A committee of schools and colleges.
- A committee of propositions and grievances.
- A committee of claims.
- A committee of roads and internal navigation.
- A committee on the militia laws.
- A committee on finance.
- A committee on the penitentiary.
- A committee on the armory.
- A joint committee on the library.
- A committee on agriculture and manufactures.

A committee to examine enrolled bills.

A committee to examine the lunatic asylums.

A committee on banks.

A committee on trade and mechanic arts.

A committee on county organization, to consist of not less than five nor more than seven.

A committee on executive expenditures.

A committee to examine the first auditor's office.

A committee to examine the second auditor's office.

A committee to examine the clerk's office.

A committee to examine the register's office.

A joint committee to examine the treasurer's accounts.

A joint committee to examine the bonds of public officers.

27. The following committees shall be authorized to appoint clerks, to wit:

The committee for courts of justice.

The committee of propositions and grievances.

The committee of privileges and elections and of agriculture and manufactures shall together elect a clerk.

The committees of finance and of claims shall together elect a clerk.

And the committee of roads and internal navigation and of schools and colleges shall together elect a clerk.

The said clerks shall perform the duties of clerks of the committee on banks, trade and mechanic arts, and on the militia laws, and any similar service that may be required of them. The clerk of the house of delegates may command the services of any of said clerks to assist him in reading at the clerk's table and in engrossing or enrolling bills, at such time as they may not be employed by their respective committees, and shall report to the house any clerk for failing or neglecting to perform this duty.

28. No standing committee of the house shall be increased, except by a vote of at least two-thirds of the members present.

29. Five members of any committee shall be a quorum to proceed to business; but where the number of a committee is not less than five nor more than seven, a majority shall be sufficient.

30. The several committees are instructed to report, in all cases to them referred, whether other cases may arise, comprised within the principle of the subject referred; and if a bill be ordered, it shall be so drawn as to provide for all such cases, as well as that in which it originated; and, in petitions and other matters referred, the committee shall have power, if they deem it expedient, to report by bill.

31. Select committees shall not consist of less than five nor more than thirteen members.

32. The committee of privileges and elections shall examine the oaths taken by each member and certificates of election furnished by the sheriffs, and report thereon to the house.

33. The committee of privileges and elections shall report, in all cases of privilege or contested elections, the principles and reasons on which their resolutions are founded.

34. The committee for schools and colleges shall annually examine into the state and manner of administration of the Literary fund, and make such report as they may deem proper.

35. The committee of finance shall annually examine into the state of the debts due from the commonwealth, of the revenue and expenditures of the preceding year, and prepare an estimate of the expenses of the succeeding year, and make such report thereon as they may deem proper.

36. Any person contesting the election of a member returned to serve in this house, will be entitled to receive his wages only from the day on which such person is declared duly elected.

37. Whenever, by the equality of sound, a division of the house is rendered necessary in the opinion of the speaker, or of a member, the members shall be required to rise in their places; and if, on a general view of the house, a doubt still exist on the mind of the speaker, or of a member, as to the side on which the majority voted, the members shall be counted standing in their places, either by the speaker or by two members of opposite opinions on the question, to be deputed for the purpose by the speaker.

38. Documents printed by order of the house shall be printed on paper of the same size with the journal, and a copy shall be bound up with each journal and furnished the members at the end of the session; and it shall be the duty of the public printer to furnish 225 additional copies bound for that purpose.

39. Any person shall be at liberty to sue out an original writ, or subpoena in chancery, to prevent a bar by the statute of limitations, or to file any bill in equity and examine witnesses thereupon for the purpose of preserving their testimony against any member of this house: *Provided*, That the clerk, after having made out and signed such original writ, or subpoena, shall not deliver it to the party, nor to any other person, during the continuance of the member's privilege.

40. Any person summoned to attend this house, or any one of its committees, as a witness, shall be privileged from arrest during his coming to, attendance on, or return from the house or committee; and no such witness shall be obliged to attend, until the party at whose request he was summoned, shall pay or secure to him for his attendance and traveling the same allowance which is made to witnesses attending the general court.

41. If any person shall tamper with a witness in respect of his evidence to be given before this house, or one of its committees, or directly or indirectly endeavor to deter or hinder a person from appearing or giving evidence, it shall be deemed a high misdemeanor, which the house will severely punish.

42. No person shall be taken into custody by the sergeant at arms on any complaint of breach of privilege, until the matter is examined by the committee of privileges and elections and reported to the house, unless by order of the speaker.

43. In all elections, but one vacancy shall be filled at a time.

44. In elections by joint vote of the two houses of the general assembly, each house shall first communicate by message to the other,

the names of the persons who may be put in nomination for the said office in each house respectively ; and then each house shall vote separately in its own chamber ; and shall each appoint a committee on its part to meet a committee on the part of the other house, and communicate the result of the vote in each house respectively ; and if upon such vote, any person have a majority of the whole number of votes, the same shall be reported by the committees to their respective houses, and the speaker of each house shall declare such person duly elected ; and if no person shall have a majority of the whole number of votes, both houses shall in like manner proceed to another vote, dropping the person who shall have the smallest number of votes on the former vote, and so on till an election be made ; and the results of each vote in each house shall in like manner be communicated by each house to the other, and reported by their respective committees ; and the election, when made, shall in like manner be declared by the respective speakers of the two houses.

45. Hereafter it shall be the duty of the clerk, previous to reading each bill, to announce whether it is on its first, second or third reading.

46. On every day, so soon as the speaker takes the chair and calls the house to order, the standing committees of the house shall be called over to enable them to make reports.

47. No standing rule of this house shall be rescinded or changed without one day's notice being given of the motion therefor ; nor shall any rule of this house be rescinded, changed or suspended, nor order of business as established by the rules of this house, be postponed or changed, except by a vote of at least two-thirds of the members present.

48. No member or other person shall visit or remain by the clerk's table while the yeas and nays are calling.

49. When a resolution is presented, containing no reference of the subject thereof to a committee, if objection be made to its immediate adoption, it shall lie on the table for one day, to be called up by motion.

50. Bills and resolutions originating in the senate, and not requiring immediate action, shall be read the first and second times when received, and be referred to their appropriate committees, unless the house direct otherwise ; and all such bills and resolutions shall have precedence over bills and resolutions originating in the house of delegates of the same stage.

[DOC. No. XXIII.]

REPORT

OF

THE SELECT COMMITTEE

ON THE

REFERENCE OF NEW CONSTITUTION.

1852.

REPORT.

The special committee to which was referred the resolution with instructions to report a proper reference of the various parts of the new constitution to the appropriate standing committees or otherwise, beg leave to report, that they have had the same under consideration, and recommend the adoption of the following resolution :

Resolved, That the following portions of the new constitution be referred as follows :

To the Committee of Privileges and Elections.

Article 3d of the new constitution.

So much of section 36 of article 4 as relates to the registration of voters.

Section 38 of article 4.

Section 2 of article 5.

Section 8 of article 5.

Section 22 of article 6.

To the Committee for Courts of Justice.

Section 9 of article 4.

Sections 17 and 18 of article 4.

Sections 19 and 21 of article 4.

Sections 33 and 35 of article 4.

So much of section 36 of article 4 as relates to the registration of births, &c.

Section 37 of article 4.

Sections 5, 9, 11, 12 and 13 of article 5.

Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 21 of article 6.

To Committee on Militia Laws.

Section 19 of article 5.

To Committee on County Organization.

Sections 19, 20, 25, 26, 27, 28, 29, 30, 31, 32, 33 and 34 of art. 6.

To the Committee on Finance.

Section 10 of article 4.

Sections 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 and 32 of article 4.

To a Special Committee of 15, one from each Congressional District.

Sections 13 and 14 of article 4.

To a Special Committee of Nine.

Section 20 of article 4.

To a Special Committee of Nine.

Sections 14, 15, 16, 17 and 18 of article 5.

[DOC. No. XXIV.]

STATEMENT

OF

THE AGGREGATE VOTES

GIVEN IN THE

ELECTION OF ATTORNEY GENERAL.

1852.

EXECUTIVE DEPARTMENT,
Jan. 21, 1852.

To the General Assembly of Virginia.

GENTLEMEN,

I have the honor to communicate herewith the report of the secretary of the commonwealth, containing a statement of the aggregate votes given in the election of attorney general, prepared by the secretary in obedience to a resolution of your body, received by him on the 19th instant.

Very respectfully,

Your ob't serv't,

JOS. JOHNSON.

STATEMENT.

EXECUTIVE DEPARTMENT,
January 21, 1852.

SIR,

In obedience to a resolution of the general assembly, received by me on the 19th inst., I have counted the votes given for the office of attorney general as carefully and speedily as it was possible to do so, and have the honor to report that it appears by the returns delivered to me by the clerk of the house of delegates, that sixty-one thousand seven hundred and twenty-two votes were given for Willis P. Bocock, Esq., and fifty-one thousand five hundred and eighty-four votes for Sidney S. Baxter, Esq.

There are no returns whatever, among those which have come to my hands, from the counties of Amherst, Charles City, Clarke, Grayson, Greenbrier, Isle of Wight, Lancaster, Loudoun, Pleasants, Prince William and Russell; and none of the vote for attorney general in the counties of Chesterfield, Pocahontas and Washington; from one precinct in Amelia and one in Madison.

I respectfully ask instructions as to the disposal of the returns.

Very respectfully,

Your ob'd't serv't,

WM. H. RICHARDSON, *Sec'y Com.*

His Excellency JOS. JOHNSON,
Governor of Va.

[DOC. No. XXV.]

MEMORIAL

OF

CITIZENS OF LYNCHBURG,

RELATIVE TO

THE REDUCTION OF TOLLS

ON THE

JAMES RIVER AND KANAWHA CANAL.

1852.

MEMORIAL.

*To the Members of the Senate and
House of Delegates of Virginia.*

The undersigned, citizens of the town of Lynchburg, beg leave to present to the senate and house of delegates the accompanying report of a committee of the stockholders of the James river and Kanawha company, and most respectfully to memorialize the general assembly, that they will instruct the proxies who may represent the state in the approaching meeting of the stockholders of said company, to vote for the adoption of the tariff of tolls recommended by the committee aforesaid; and your memorialists ask that the report of that committee, with the tables and documents attached, may be read with and taken as a part of this their petition.

If your memorialists believed that there was reasonable ground for apprehending that any material diminution in the receipts of the James river and Kanawha company, even for one year, would be caused by exacting the modified tariff of tolls proposed by the committee of the stockholders, they would not make this petition to your honorable body, but would still longer, without complaint, submit to the extremely onerous burthen now imposed upon them; but they do not see any reason for entertaining fears that such a result would follow the adoption of the recommendations of the committee: Therefore, they most earnestly petition that you will exercise the power you unquestionably possess, to control the legislation of a corporation that has, for fourteen years, by an unwise exercise of the power to tax labor and capital, greatly oppressed a large body of your fellow-citizens.

(Signed,)

T. D. Jennings,
J. C. Light,
Tho. E. Murrell,
Edwin S. Rucker,
Wm. M. Shoemaker,
John Dillard,
Henry J. Candler,
Micajah Davis, jr.
J. L. Brown,
Miller & Compton,
John G. Meem,
Lee & Johnson,
Geo. Bayley,

John Hollins,
Acree & McClanahan,
Sam'l W. Shelton,
M. Cornell & Son,
Benj'n E. Scruggs.
John T. Murrill,
J. W. Vinyard,
William Hix,
Sam'l B. Thurman,
S. M. Simpson,
J. G. Salneres,
S. R. Dawson,
L. M. Jones,

John P. Burruss,
Geo. D. Davis,
Peter Dudley,
A. N. Montgomery,
Tho's H. Early,
C. E. Kent,
Tho. A. Smith,
Wm. H. Kent, jr.
J. W. Campbell,
Mosby & Holcombe,
E. Logwood,
John F. Slaughter,
Ro. W. Homer,
Henry Davis,
F. G. Morrison,
Tho's M. Pryor,
Joel W. Jennings,
Geo. W. Turner,
John Whitehead,
Jno. M. Otey,
Dexter Otey,
Anthony Zimbul,
W. O. Harvey,
Josiah Reimbough,
D. R. Lyman,
Geo. D. Beale,
Younger & Smith,
Ed. Crumpecker,
David Oglesby,
Jno. Robert McDaniel,
Wm. H. Stratton,
James Boyd,
Tho. C. Walsh,
Jds. Gouldin,
G. & N. B. Steptoe,
Joseph W. Cock,
C. W. McKinney,
S. D. Steptoe,
Moorman & Martin,
J. E. Gouldman,
Pleasant Labby,

H. C. Dillion,
Jos. H. Wilson,
Jno. H. Sey,
Tinsley, Taylor & Co.
Jos. B. Nowlin,
Cyrus Snodgrass,
Wm. D. Nowlin,
Geo. B. Thurman,
Thurman & Schoolfield,
Schoolfield & Lewis,
D. R. Hunt,
H. C. Scott,
Payne & Bell,
Henry J. Brown,
Alfred Moses,
Hart & Moses,
Jno. W. Browne,
Jno. T. Purvis,
E. & J. Franklin,
David W. Burton,
B. H. Lewis & Co.
R. C. Lewis,
W. S. Hannah,
J. Dixon,
Lee, McClintock & Co.
G. W. Yancey,
Ro. H. Glass,
Jno. R. Hughes,
T. Fletcher,
C. L. Mosby,
T. A. Reimbough,
Cha's F. M. Garnett,
Cha's H. Dimmock,
Warwick & Cawthon,
Wm. T. North,
Ho. P. Glass,
Geo. W. Sea,
G. Winston,
James Kinnier,
John W. Burch,
Jno H. Bailey.

REPORT

OF

THE COMMITTEE OF STOCKHOLDERS.

The committee of stockholders, appointed to revise the tariff of tolls of the James river and Kanawha company, met at the office of the company in the city of Richmond on the 27th of May last, and proceeded to discharge the duties assigned to them by the stockholders. They prepared a tariff of tolls, which was submitted to the president and directors of the company for advice and approval—adopted a resolution which requested the directory to give to them the necessary information as to the amount of tolls received by the company on each particular article of tonnage, and adjourned to meet again on the 15th of October.

On the 8th of October the chairman of the committee received a letter from the president of the company, covering a resolution of the board of directors, asking that the committee might delay their meeting until the 27th of October, to enable them to furnish the information required.

The chairman not having time to consult the members of the committee, and believing that due respect and courtesy required that they ought to be consulted, declined complying with the request of the directory; and the committee met again on the day appointed, reviewed the tariff of tolls submitted to the president and directors, and adjourned to meet again on 21st November; on which day a majority of the members not being present, they adjourned to the 22d, when a committee being in attendance, they proceeded to examine the table furnished by the directory, with all the information they could obtain, and agreed to submit to the stockholders a tariff of tolls, the best they could form, with a view both to the revenues of the company and the interests of the stockholders.

In adjusting the tariff of tolls, your committee have had great difficulties to encounter: 1st, a large revenue is necessary to pay the interest of the debt of the company and its annual expenses; 2dly, other improvements have entered into, and soon will enter into competition with this company to transport the produce of the country to market, and the merchandize to supply its wants; and lastly, public opinion demands that the tolls, which are higher than any other canal in the United States, and the cost of transportation greater than it is generally on railroads, should be reduced.

Under all these difficulties, your committee have made reductions, which they believe will not reduce the amount of revenue below that received the last fiscal year, but give some relief to those interests which have suffered, under the oppressive burden of taxation heretofore imposed; and they hope that public opinion will be satisfied that all has been done which the company can do at the present time, under its difficulties and pecuniary embarrassments.

Your committee believe that if the tariff of tolls which they recommend be adopted by the stockholders, the revenue of the present fiscal year will be greater than that of the past year. It is true, that if only the same amount of freights were transported on the canal, there would be a considerable reduction, perhaps about 14 per cent.; but several causes must produce a greater amount of tonnage the present fiscal year, which will continue, with low tolls, to increase for a long period. 1st. Much larger crops of the two great staples of Virginia, tobacco and wheat, (which pay about half the tolls received on the canal,) were made the present year than have been for several years past; for the former is estimated at 50 per cent., and the latter at 100 per cent. over the crops of the past year, and all the tobacco and much the larger portion of the wheat and flour were on the 1st of October to be transported to market; 2ndly, the canal has been completed to the Valley, and this must greatly increase the revenues of the company, for by reference to the 3rd vol. of the annual report of the company, p. 33, it will be seen that an estimate of 54,498 tons would accrue to the company on the completion of the canal to Buchanan, though this amount will be greatly diminished by the depressed condition of the iron manufactories and other causes; yet if only the present estimate of the president be realized, \$50,000 from this source alone will be added to the annual receipts of the company. Again: the Virginia and Tennessee railroad is expected to reach Salem early in the spring, from which place the macadamized road will be finished more than 100 miles; which macadamized road will act as a feeder to the railroad, and these improvements must produce an increased tonnage of at least 15,000 tons. Much higher estimates have been made of the tonnage which will be produced by the railroad when completed to Salem: but if even this estimate be realized, with the increased tonnage from Buchanan, they will much more than cover all loss to the revenue by the reduction proposed by this committee. Lastly, upon all the canals in the United States an increased revenue (it is believed) has always resulted by the reduction of the tolls, except on this canal on a former occasion; but this was produced by the limited extent of the canal, and the short time the reduced rate of tolls was suffered to exist. The canal at that time only extended to Lynchburg, with no feeders except the small boats on the river, and the produce brought by wagons; and it might easily have been foreseen, that a reduced revenue would be the result of reduced tolls: for the period whilst low tolls were collected was too short to change the route to market, forced on farmers and merchants by the previous high tolls; but with the extended country now accessible to the canal, and with a railroad as a feeder, your committee believe that conside-

nable increase will take place in the revenue. In addition to the above reasons, mercantile gentlemen of great intelligence advised the reduction on many articles with a view to increased revenue; for it is known that other routes are selected in consequence of the high tolls on the canal.

A discrimination in the rates of toll in favor of certain articles, the growth or manufacture of Virginia, your committee believe is sound policy to a limited extent, and recommend its adoption by the company. They find that such a discrimination is made by the Central railroad company of Virginia, for this company charges on whiskey, cider and vinegar, passing down the improvement, 65 cents per barrel, whereas the toll up is 90 cents—domestic goods and cotton yarns down are charged 22 cents per 100 pounds, and up 35 cents—bar iron down 20 cents per hundred pounds, and up 30 cents, making a discrimination in favor of articles the growth or manufacture of the country near to and west of Charlottesville over those from the east, of which much the greater portion is from other states or from foreign countries. On the Georgia railroad, dry goods, the manufacture of the state, pay 45 cents per hundred pounds, whereas all others pay \$1 10; and from Savannah to Chattanooga, Georgia domestics are charged 95 cents per hundred pounds, and all other dry goods \$1 70 per hundred pounds. Salt manufactured in Pennsylvania pays on the A. P. railroad $1\frac{3}{4}$ cents per ton per mile, and all other salt 2 cents. On the Ohio canal, salt made in Ohio pays 5 mills per mile, and all other salt 12 mills. The same policy is pursued on the Erie canal, giving a protection to articles the growth or manufacture of New York; and these references are made to shew that it is no new line of policy which they recommend, and which they believe the interests of this state and the company require to be adopted.

The Valley of Virginia is probably not excelled by any part of the United States for its adaptation to the growth of hay, and yet Richmond relies almost entirely, and Lynchburg partially, on northern hay for forage. Your canal is now completed to Buchanan in the heart of the Valley. If then a sufficient inducement is held out to the farmers of the Valley, they will grow and prepare hay for the market. The inducement proposed is low tolls, and this no doubt will stimulate its production until Lynchburg will first be supplied with Valley hay, and in a few years the supply extend to Richmond and the tidewater country, to the exclusion of the northern article.

A discrimination in favor of certain articles, the growth or manufacture of Virginia, will have the effect of increasing the tonnage on the canal, for the farmer will carry his produce to market, and as he can transport Virginia manufactures cheaper than foreign, he will give to them a preference; and as he has for sale what the manufacturer wants, an exchange of commodities will take place, for by this barter better prices will be obtained, which will cause more transportation on the canal, increasing its tonnage, and giving life and vigor to the infant manufactures of the commonwealth.

Your committee have carefully examined the charges or freights on the Central railroad, the Richmond, Fredericksburg and Potomac

railroad, the Petersburg, Greenville, Roanoke and Gaston railroad, the Wilmington and Raleigh railroad, the South Carolina railroad from Charleston to Hamburg, the Georgia Central railroad, the Savannah and Chattanooga railroad, the Baltimore and Ohio, the Pennsylvania and New York and Erie railroads, and have prepared with great care a table marked A, embracing most of the agricultural products, and the most important items of tonnage which are transported on canals and railroads; they have also obtained from the chief engineer of the Virginia and Tennessee railroad company, the charges which will probably be made on that improvement on flour, wheat and corn. The cost of transportation on all these railroads and on the canal of this company are placed in parallel columns; and by this table it can be seen what is the cost of each, which table also shews that the cost of transportation is much less on all these railroads than it is on the canal, with the exception of the Central and Fredericksburg roads in Virginia, and Petersburg and Gaston railroad; and even on these some articles are transported for less than on the canal. They also present a table marked B, which shews the cost of transportation on the Ohio, Pennsylvania and New York canals, compared with the James river and Kanawha canal, from which it will appear that the tolls on the former canals are greatly less than those on the latter.

This table was prepared by a member of the committee, (F. B. Deane, Esq.) It exhibits the tolls charged on each of the canals, and the excess on every item of tonnage on the Virginia canal.

The reasons your committee have assigned they believe ought to be sufficient to induce the stockholders to adopt the tariff of tolls which they have submitted; but when they view the subject in all its aspects—when they see that already the Central railroad has entered into competition on the north, and that the Southside railroad will during the next year on the south, and in two years it will reach Lynchburg, the great depot for the tonnage transported on the canal, the reduction of tolls will then no longer be a subject of doubtful expediency, but of imperious necessity; and when the latter improvement shall have been completed, the tolls on the canal must be greatly below the reduction now recommended. Whether the revenue will be sufficient to pay the interest and expenses of the canal, will not then be the subject for consideration, but rates sufficiently low to enter successfully into competition with the railroad, and secure the transportation on the canal, of the agricultural and mineral products and heavy merchandize.

As a misapprehension prevails as to the rates at which railroads can become the carriers of tonnage, even in high places, your committee considered it a duty to investigate this subject with considerable care, to ascertain at what prices existing railroads were transporting produce, and what probably would be the charges on the Southside railroad when completed. Table A shews that wheat is now transported from Charleston to Hamburg, 140 miles, at 7 cents per bushel, and flour at 25 cents per barrel, or about $1\frac{3}{4}$ cents per ton per mile, and on this road there is an inclined plane which must add 10 per cent. to the cost of transportation. On the Georgia Central rail-

road from Savannah to Atlanta 290 miles, wheat is transported at a cost less than the above-mentioned railroad in proportion to distance, and flour at a fraction over 2 cents per ton per mile, and other Southern railroads at about the same. The Baltimore and Ohio railroad transports at a cost of 2 cents and 1 mill per ton per mile, and on the Pennsylvania railroad the tolls are 1 cent and 6 mills per ton per mile. It is true that other articles pay higher charges, but at the same time there are other freights which pay less; and flour and wheat, from their "weight, bulk and value, are deemed fair representatives of canal freights."

As the Southside railroad is constructed with easier grades, it is believed, than any of these roads, its highest grade being only 13 feet per mile, with the exception of one, and that only 63 feet, at which an extra locomotive can be stationed to assist in overcoming it; and as the cost of construction will only be about one-fourth of the Baltimore and Northern railroads, it appears evident it can transport freight cheaper than can be done on any of those roads; the conclusion therefore appears to be irrefutable, that it can transport the principal articles of tonnage at less than 2 cents per ton per mile.

The conclusion is strengthened by the opinion of Col. Garnett, the chief engineer of the Virginia and Tennessee railroad, who estimates the expense of transportation by that company will not exceed 1 cent per ton per mile, and further states: "That the experience of our country has pretty well established the fact that it does not exceed one cent per ton per mile on well constructed railroads, and in England coal is now carried at one shilling sterling per ton for 100 miles, which is about one-fourth of one cent per ton per mile;" and Mr. Allen, from the committee on canals, in a report made to the legislature of New York on the 13th of March 1851, says: "The cost of transporting freight upon railroads is shewn, by the report of the state engineer, to be 8 mills per ton per mile, p. 13, and again on p. 15, he shews the cost of transporting freight on the following

" RAILROADS:

From Buffalo to Albany:

| | | | | | |
|--------------------------------------|---|---|---|---|---------|
| Cost per ton for 325 miles, | - | - | - | - | \$ 2 60 |
| Cost per barrel flour for 325 miles, | - | - | - | - | 28 |

From Dunkirk to New York:

| | | | | | |
|--|---|---|---|---|------|
| Cost per ton for 445 miles and ferry, | - | - | - | - | 4 02 |
| Cost per barrel flour for 445 miles and ferry, | - | - | - | - | 43½ |

From Ogdensburg to Boston:

| | | | | | |
|----------------------------------|---|---|---|---|------|
| Cost per ton for 400 miles, | - | - | - | - | 3 20 |
| Cost per barrel flour 400 miles, | - | - | - | - | 34½ |

From Buffalo to Boston:

| | | | | | |
|----------------------------------|---|---|---|---|------|
| Cost per ton for 525 miles, | - | - | - | - | 4 20 |
| Cost per barrel flour 525 miles, | - | - | - | - | 45 |

From Albany to Boston:

| | | | | | |
|--------------------------------------|---|---|---|---|------|
| Cost per ton for 200 miles, | - | - | - | - | 1 60 |
| Cost per barrel flour for 200 miles, | - | - | - | - | 17" |

Again—The Baltimore and Ohio railroad, which cost for construction \$54,383 per mile, (25th annual report, table P,) with grades perhaps the highest of any railroad in the United States, transports coal from Cumberland to Baltimore, 178 miles, for \$2 per ton, equal to $1\frac{1}{10}$ cent per ton per mile, and flour at 40 cents per barrel, equal to $2\frac{1}{10}$ cents per ton per mile; yet this road made a clear dividend of $9\frac{1}{2}$ per cent., (25th report, p. 3.) Its receipts, exclusive of passengers, were \$942,477, (25th report, table O,) and its total expenses, including the transportation of passengers and mails, including "many items" of expenditure "found indispensable to incur in view of the early completion of the road," and "constructing 7 miles of second track, not less than \$25,000," amounted altogether to \$695,919, leaving a clear profit from freights alone of \$246,508, (25th report, p. 4.) These facts clearly prove that the opinion which prevails exclusively that railroads cannot transport freights, except at very high prices, unless sustained by passengers, is erroneous; and also prove that the opinion of this committee previously expressed that the Southside railroad, when constructed, can transport freights at an average cost of 2 cents per ton per mile, and make fair dividends to the stockholders, is well sustained.

Your committee then proceeded to enquire what tolls the James river and Kanawha company can charge, not only to enter into competition with the Southside railroad when completed, but to ensure the carriage of agricultural and mineral productions and heavy merchandise. To do this satisfactorily to themselves, they considered it necessary to ascertain the probable cost of transportation on the railroad from Lynchburg to Richmond, when completed, and also the tolls which can be charged on the canal, together with the freights, which will not exceed the charges on the railroad.

The distance from Lynchburg to Petersburg is estimated at 120 miles, and the same to Richmond.

Then the cost of transportation of one ton of tobacco from

Lynchburg to Richmond, 120 miles, at 2 cents per mile, 2 40

On the canal the distance is 146 miles, at 1 cent per ton per mile, 1 46

Freight at 75 cents pr hhd., average weight 1,600 lbs., per ton, 93.7

\$2 39.7

From the above calculation it appears that when the Southside railroad is completed, the tolls on tobacco cannot exceed 1 cent per ton per mile on the canal—to enter into competition with the railroad, and to ensure the transportation on the canal, they must be reduced to 8 mills per ton per mile.

It then becomes a question of serious importance, whether it be better gradually to reduce the tolls as recommended by your committee, by doing which a competition may at once be commenced with the Central railroad for the freights from Staunton and the adjacent country—encouragement will be given to the farmers to enlarge their crops, thereby greatly increasing the tonnage on the canal—tonnage will be drawn from an extensive country on both sides of the canal its entire length, and at least 50 miles above Buchanan; Southwestern Virginia will be induced to grow and transport a large amount of productions on the Virginia and Tennessee railroad to Lynchburg to be carried on the canal to Richmond, and public opinion will be satisfied that the stockholders are disposed to remove the excessive burden of taxation imposed by high tolls, or to wait until the Southside railroad shall force the reduction above indicated, when all public sympathy for the canal shall have been destroyed, and the railroad patronized in all cases of equal expenditure.

All of which is respectfully submitted.

RICHARD G. MORRISS, *Chairman.*

SUBSTITUTE

PROPOSED BY COL. BONDURANT.

As a member of the committee appointed by the stockholders at their last annual meeting, to consider the question of the revision of the tariff of tolls, I beg leave to state that I was not in attendance at the meeting of the committee which convened in the city of Richmond in May last, in consequence of not being advised of said meeting. I was also prevented from meeting the committee at their adjourned meeting in October for want of timely notice.

Being in attendance upon the meeting of the committee for the first time on the 21st inst., and the committee then finding itself under the necessity, for the want of a quorum, of adjourning over to the next day, but little time was afforded me, before the meeting of the stockholders on this evening, for full and satisfactory consideration of the matter in hand, further than to satisfy my own mind that I could not assent to the report prepared and read to the committee by the chairman, and by the committee agreed to be submitted for your approval.

I beg, however, without going into detail, or giving reasons in full, to submit the following tariff of tolls for the consideration of the stockholders. In my humble judgment it is that now most in keeping with the best interests of the company and the state:

All articles now paying four cents per ton per mile, to be charged at that rate, except the following, which shall be charged at the rate of $3\frac{1}{2}$ cents:

- Agricultural implements,
- Coffee,
- Cotton,
- Flax,
- Hides and skins, dry and green,
- Lard,
- Mackerel and other fish,
- Metals not otherwise designated,
- Mutton,
- Steam engines,
- Soap,
- Sugar,
- Venison.

The following, also now included in the class paying 4 cents per ton per mile, shall pay, respectively, viz :

Peas, 2 cents.

Ashes, pot and pearl, $2\frac{1}{2}$.

Tobacco, which now pays $3\frac{1}{2}$ cts., to be charged 3 cts.

Articles now paying 3 cents, hereafter to be charged at that rate, with the exception of agricultural products not otherwise designated, and apples and other domestic fruit, green and dry, which shall pay $2\frac{1}{2}$ cents per ton, and barley, which shall pay 2 cents.

Flour and wheat, tobacco stems and scraps, which now pay $2\frac{1}{2}$ cents, to be reduced to 2 cents.

Articles paying 2 cents, to be charged at that rate, with the exception of the following, which shall pay $1\frac{1}{2}$ cents, viz :

Barrels, casks and boxes, empty,

Bran and other mill offal,

Oats,

Salt,

Shorts and ship-stuff,

Tar,

Caps, sill and other framing.

Timber of all kinds to be charged at 5 mills per ton.

Hoop poles, at $2\frac{1}{2}$ mills per ton.

Potatoes, 1 cent per ton.

Table A, herewith communicated, will shew the loss of revenue to the company on the tonnage of 1850. But there are other causes more than sufficient to make up the loss of revenue by the proposed reduction.

All of which is respectfully submitted.

THOS. M. BONDURANT.

[A.]

TABLE

Showing the Cost of Transportation on several Railroads and on the James River and Kanawha Canal.

| | VA. CENTRAL RAILROAD AND CANAL. | | FREDERICKSBURG, VA. RAILROAD. | | PETERSBURG, ROANOKE & GASTON RAILROAD. | | WILMINGTON & RALEIGH RAILROAD. | | SOUTH CARA' RAILROAD. | | GEORGIA CENTRAL RAILROAD. | | SAVANNAH & CHATTANOOGA RAILROAD. | | BALTIMORE & OHIO RAILROAD. | | PENNSYLVANIA RAILROAD. | | N. YORK & ERIE RAILROAD. | | VA. & TENN. RAILR'D. | | REMARKS. |
|-------------------------------------|---------------------------------|--------------|-------------------------------|--------------|--|--------------|--------------------------------|-----------------------------------|-----------------------|--------------|---------------------------|--------------|----------------------------------|--------------|----------------------------|--------------|------------------------|--------------|--------------------------|--------------|----------------------|--------------|--|
| | On Canal. | On Railroad. | On Canal. | On Railroad. | On Canal. | On Railroad. | On Raleigh Railroad. | On Wilmington & Raleigh Railroad. | On Canal. | On Railroad. | On Canal. | On Railroad. | On Canal. | On Railroad. | On Canal. | On Railroad. | On Canal. | On Railroad. | On Canal. | On Railroad. | On Canal. | On Railroad. | |
| Number miles transported, | 98 | 98 | 61 | 61 | 147 | 147 | 162 | 162 | 140 | 140 | 290 | 290 | 440 | 440 | 178 | 178 | - | - | 200 | 200 | 305 | 305 | |
| Tobacco, manufactured, per 100 lbs. | 35 | 34.2 | 23 | 23 | 50 | 50 | 38 | 38 | 25 | 25 | 70 | 70 | 1 05 | 1 05 | 40 | 40 | 1.6 | 1.6 | 25 | 25 | 52 | 52 | Leaf tobacco not mentioned, but as nearly double manufactured. |
| Flour, per bbl. 214 lbs. | 13 | 11.3 | 8.4 | 8.4 | 20 | 20 | 13 | 13 | 7 | 7 | 14 | 14 | 23.7 | 23.7 | 11 | 11 | 1.6 | 1.6 | 25 | 25 | 13 | 13 | *The Petersburg road charges 85 cts. in March, April, Sept. and October. |
| Wheat, per bushel 60 lbs. | 30 | 22.1 | 22 | 22 | 60 | 60 | 33 | 33 | 20 | 20 | 60 | 60 | 93 | 93 | 25 | 25 | 1.8 | 1.8 | 23.5 | 23.5 | 32.2 | 32.2 | *This at summer rates. |
| Tobacco, leaf, per 100 lbs. | | | | | | | | | | | | | | | | | | | | | | | Hoghead of bacon estimated to weigh 800 lbs. gross. |
| | | | | | | | | | | | | | | | | | | | | | | | Barrel estimated 300 lbs. gross. |

| | | | | | | | | | | | | | | | | | | | | | | |
|---------------------------------------|------|------|------|------|----|------|-------|------|------|------|----------|------|-------|-------|------|------|-----|------|------|------|---|--|
| Herrings, per bbl. 250 lbs. | 38 | 46 7 | 25 | 32.6 | 80 | 67.6 | 56 | 72.2 | 50 | 65 | 1 12 1/2 | 1 28 | 1 76 | 1 95 | 60 | 81 | 3.0 | 84.4 | 90 | - | - | Estimated per bbl. 250 lbs. gross. For sack 224 lbs. Pe- ter's r'd charges more in Sept'ber. |
| Salt, per sack 224 lbs. | 38 | 31.9 | 25 | 23.6 | 65 | 44 | 45 | 48.9 | 25 | 41.3 | 70 | 84 | 1 00 | 1 43 | 44 | 54 | 1.4 | 82 | 50.8 | - | - | |
| Groceries, per 100 lbs. | 30 | 27.6 | 20 | 18.2 | 60 | 39.4 | 20 | 45 | 15 | 38 | 60 | 74 | 85 | 1 18 | 25 | 47 | 2.4 | 40 | 42 | 52 | - | |
| Dry goods, per 100 lbs. | 35 | 23.6 | 22 | 18.2 | 60 | 39.4 | 20 | 45 | 45 | 38 | 1 10 | 74 | 1 70 | 1 18 | 25 | 47 | 3.0 | 4.0 | 52 | - | | |
| Sugar, brown, per 100 lbs. | 30 | 28.6 | 13.3 | 18.2 | 60 | 39.4 | 20 | 45 | 15 | 38 | 60 | 74 | 85 | 1 18 | 25 | 47 | 2.4 | 4.0 | 42 | 52 | | |
| Oats, per bushel 35 lbs. | 8.5 | 7.4 | 4.6 | 5.3 | 15 | 9.1 | 10 | 10 | 5 | 8.9 | 12 | 16 | 20 | 25 | 11 | 11.2 | 1.6 | 2.9 | 7.5 | 12 | | |
| Beans and peas, per bushel 60 lbs. | 13 | 15.7 | 8.4 | 11.6 | 20 | 22.6 | 10 | 24.5 | 7 | 21.8 | 14 | 42.7 | 26 | 67 | 15 | 26 | 1.6 | 4.0 | 11 | 30 | | |
| Bar iron, per ton 2,000 lbs. | 4 00 | 3 45 | 3 00 | 2 27 | 20 | 22.6 | 18 00 | 5 5 | 4 00 | 4 50 | 9 00 | 9 00 | 14 00 | 14 00 | 4 00 | 5 45 | 1.6 | 2.5 | 4 35 | 6 32 | | |
| Iron castings, per ton 2,000 lbs. | 4 00 | 2 96 | 3 00 | 1 97 | 20 | 22.6 | 16 00 | 5 5 | 4 00 | 3 80 | 9 00 | 9 00 | 14 00 | 14 00 | 5 00 | 4 56 | 1.6 | 2 0 | 4 35 | 5 30 | | |
| Iron, pig, per ton 2,000 lbs. | 3 50 | 1 98 | 3 00 | 1 97 | 20 | 22.6 | 16 00 | 5 5 | 3 00 | 2 40 | 9 00 | 4 65 | 14 00 | 14 00 | 3 00 | 3 00 | 1.4 | 1.0 | 4 35 | 3 30 | | |
| Hardware. | 30 | 28.6 | 20 | 18.2 | 60 | 39.4 | 20 | 45 | 20 | 38 | 60 | 74 | 85 | 1 18 | 25 | 37 | 2.2 | 4.0 | 4.0 | - | | |
| Corn, per bushel 56 lbs. | 11 | 6.8 | 7.3 | 5.9 | 20 | 8.1 | 10 | 9.5 | 7 | 7.9 | 14 | 13.1 | 21 | 27 | 25 | 37 | 1.6 | 1.0 | 1.0 | - | | |

On railroad from Charleston to Atlanta there is drayage on part of the road.

The railroad from Charleston to Columbia and Camden about the same as to Hamburg.

Summer charges have been adopted in above table, except tobacco, wheat and flour, and grain of all kinds, and coal.

On the railroad from Charleston to Hamburg, there is an inclined plane, which adds 10 per cent to cost of transportation.

[A.]

Loss of Revenue by the proposed reduction.

| | | | | |
|--|---|---|-----------|--------------------------|
| Agricultural implements, - | - | - | 46 12½ | } Reduced 12½ per cent. |
| Coffee, - | - | - | 1,788 49 | |
| Cotton, - | - | - | 47 29 | |
| Flax, - | - | - | 0 00 | |
| Hides and skins—dry and green, - | - | - | 69 04½ | |
| Lard, - | - | - | 31 91 | |
| Mackerel and other fish, - | - | - | 173 00 | |
| Metals, (not otherwise designated,) - | - | - | 161 70 | |
| Steam engines, - | - | - | 30 67 | |
| Soap, - | - | - | 30 56 | |
| Sugars, - | - | - | 1,964 71 | } Reduced 100 per cent. |
| Venison, - | - | - | 4 66 | |
| Peas, - | - | - | 3 94 | } Reduced 14 3-7 per ct. |
| Tobacco, - | - | - | 7,920 93 | |
| Agricultural products, (not otherwise designated,) - | - | - | 3 28 | } Reduced 16½ per cent. |
| Apples and other domestic fruits, - | - | - | 14 48 | |
| Flour, - | - | - | 6,922 06 | } Reduced 20 per cent. |
| Wheat, - | - | - | 5,338 05 | |
| Tobacco stems and scraps, - | - | - | 0 00 | |
| Barrels, casks and boxes, (empty,) - | - | - | 116 44 | |
| Bran and other mill offal, - | - | - | 15 47 | |
| Oats, - | - | - | 24 38 | |
| Salt, - | - | - | 1,807 34 | |
| | | | 26,514 53 | |
| Shorts and ship-stuff, - | - | - | 0 00 | |
| Tar, - | - | - | 25 27 | |
| Timber of all kinds, - | - | - | 0 00 | |
| Hoop poles, - | - | - | 0 00 | |
| Potatoes, - | - | - | 0 00 | |

[B.]

TABLE

Shewing the Cost of Transportation on the Ohio, Pennsylvania and New York Canals, compared with the James River and Kanawha Canal.

| ARTICLES UPON WHICH TOLLS ARE CHARGED. | Rates per ton of 2000 lbs. Ohio canal. | | Rates per ton of 2000 lbs. in Penn. | | Rates per ton of 2000 lbs. in New York. | | Rates per ton of 2000 lbs. in Va. | | Excess of Va. tolls over Ohio. | | Excess of Va. tolls over Pennsylvania. | | Excess of Va. tolls over New York. | |
|--|---|---------|--|---------|--|---------|--------------------------------------|---------|-----------------------------------|---------|---|---------|---------------------------------------|---------|
| | Cts. m. | Cts. m. | Cts. m. | Cts. m. | Cts. m. | Cts. m. | Cts. m. | Cts. m. | Cts. m. | Cts. m. | Cts. m. | Cts. m. | Cts. m. | Cts. m. |
| Agricultural implements, | - | 1 4 | 1 0 | 0 6 | 0 6 | 0 6 | 4 0 | 4 0 | 2 6 | 3 0 | 3 0 | 3 4 | 3 4 | 3 4 |
| Anvils, - | - | 2 0 | 0 6 | 1 6 | 1 6 | 1 6 | 4 0 | 4 0 | 2 6 | 3 4 | 3 4 | 2 4 | 2 4 | 2 4 |
| Ale, - | - | 1 4 | 1 0 | 1 6 | 1 6 | 1 6 | 4 0 | 4 0 | 2 6 | 3 0 | 3 0 | 2 4 | 2 4 | 2 4 |
| Ashes, pot and pearl, | - | 1 4 | 0 4 | 0 1 | 0 1 | 0 1 | 4 0 | 4 0 | 2 6 | 3 4 | 3 4 | 3 4 | 3 4 | 3 4 |
| Bacon, | - | 1 4 | 0 6 | 0 6 | 0 6 | 0 6 | 4 0 | 4 0 | 2 6 | 3 4 | 3 4 | 3 4 | 3 4 | 3 4 |
| Beans, | - | 1 4 | 0 6 | 0 6 | 0 6 | 0 6 | 4 0 | 4 0 | 2 6 | 3 4 | 3 4 | 3 4 | 3 4 | 3 4 |
| Beef, salt and fresh, | - | 1 4 | 0 6 | 0 6 | 0 6 | 0 6 | 4 0 | 4 0 | 2 6 | 3 4 | 3 4 | 3 4 | 3 4 | 3 4 |
| Beer, - | - | 1 4 | 1 0 | 1 0 | 1 0 | 1 0 | 4 0 | 4 0 | 2 6 | 3 0 | 3 0 | 3 4 | 3 4 | 3 4 |
| Beeswax, - | - | 1 4 | 1 2 | 1 2 | 1 2 | 1 2 | 4 0 | 4 0 | 2 6 | 3 0 | 3 0 | 3 4 | 3 4 | 3 4 |
| Bellows, - | - | 3 0 | 1 0 | 1 0 | 1 0 | 1 0 | 4 0 | 4 0 | 1 0 | 3 0 | 3 0 | 2 6 | 2 6 | 2 6 |
| Bonks, - | - | 3 0 | 1 4 | 1 4 | 1 4 | 1 4 | 4 0 | 4 0 | 1 0 | 3 0 | 3 0 | 2 6 | 2 6 | 2 6 |
| Burr blocks, | - | 2 0 | 0 6 | 0 6 | 0 6 | 0 6 | 4 0 | 4 0 | 2 6 | 3 4 | 3 4 | 3 4 | 3 4 | 3 4 |
| Butter, - | - | 1 3 | 0 6 | 0 6 | 0 6 | 0 6 | 4 0 | 4 0 | 2 6 | 3 4 | 3 4 | 3 4 | 3 4 | 3 4 |
| Candles, - | - | 1 3 | 0 6 | 1 4 | 1 4 | 1 4 | 4 0 | 4 0 | 2 6 | 3 4 | 3 4 | 3 4 | 3 4 | 3 4 |
| Carpenters' work, | - | 1 3 | 0 6 | 0 6 | 0 6 | 0 6 | 4 0 | 4 0 | 2 6 | 3 4 | 3 4 | 3 4 | 3 4 | 3 4 |
| Carriages, | - | 1 4 | 1 0 | 1 0 | 1 0 | 1 0 | 4 0 | 4 0 | 2 6 | 3 0 | 3 0 | 3 4 | 3 4 | 3 4 |

| | | | | | | | | | | | | | | | |
|-----------------------------------|---|---|---|---|----------|---|---|---------|---|---|----------|---|---|---|---|
| Crackers, | 1 | 4 | 0 | 8 | per mile | 0 | 8 | per mil | 4 | 0 | per mile | 2 | 6 | 3 | 2 |
| Cheese, | 1 | 4 | 0 | 6 | " | 0 | 6 | " | 4 | 0 | " | 3 | 4 | 2 | 6 |
| China ware, | 2 | 0 | 1 | 0 | " | 1 | 4 | " | 4 | 0 | " | 3 | 4 | 2 | 6 |
| Coffee, | 3 | 0 | 1 | 0 | " | 0 | 8 | " | 4 | 0 | " | 3 | 2 | 3 | 2 |
| Confectionary, | 1 | 4 | 0 | 8 | " | 0 | 1 | " | 4 | 0 | " | 3 | 2 | 3 | 2 |
| Copper, | 3 | 0 | 0 | 6 | " | 0 | 8 | " | 4 | 0 | " | 2 | 0 | 3 | 2 |
| Copperas, | 1 | 4 | 0 | 8 | " | 0 | 4 | " | 4 | 0 | " | 3 | 6 | 2 | 0 |
| Cordage, | 1 | 4 | 1 | 4 | " | 0 | 2 | " | 4 | 0 | " | 2 | 6 | 3 | 6 |
| Cotton, cotton yarns and bagging, | 3 | 0 | 1 | 0 | " | 1 | 4 | " | 4 | 0 | " | 3 | 0 | 2 | 6 |
| Cutlery, | 1 | 0 | 1 | 4 | " | 0 | 8 | " | 4 | 0 | " | 2 | 6 | 2 | 6 |
| Drugs and dye stuffs, | 3 | 0 | 1 | 4 | " | 0 | 8 | " | 4 | 0 | " | 3 | 2 | 3 | 2 |
| Dry goods, | 1 | 4 | 1 | 0 | " | 1 | 6 | " | 4 | 0 | " | 2 | 4 | 2 | 4 |
| Earthenware and queensware, | 1 | 4 | 0 | 6 | " | 0 | 8 | " | 4 | 0 | " | 3 | 2 | 2 | 4 |
| Eggs, | 1 | 4 | 0 | 8 | " | 0 | 8 | " | 4 | 0 | " | 2 | 4 | 2 | 4 |
| Flax, | 2 | 0 | 1 | 2 | " | 1 | 6 | " | 4 | 0 | " | 2 | 6 | 2 | 4 |
| Feathers, | 1 | 4 | 1 | 0 | " | 0 | 2 | " | 4 | 0 | " | 3 | 0 | 2 | 4 |
| Furniture, household, | 2 | 0 | 1 | 4 | " | 1 | 6 | " | 4 | 0 | " | 2 | 6 | 2 | 4 |
| Fruits, | 1 | 4 | 1 | 0 | " | 0 | 2 | " | 4 | 0 | " | 3 | 0 | 2 | 4 |
| Furs and peltry, | 2 | 0 | 1 | 4 | " | 2 | 0 | " | 4 | 0 | " | 3 | 0 | 2 | 0 |
| Glass and glassware, | 1 | 4 | 1 | 0 | " | 1 | 0 | " | 4 | 0 | " | 3 | 0 | 3 | 0 |
| Ginseng, | 1 | 4 | 1 | 2 | " | 0 | 8 | " | 4 | 0 | " | 2 | 6 | 3 | 2 |
| Groceries, | 3 | 0 | 1 | 2 | " | 0 | 8 | " | 4 | 0 | " | 2 | 8 | 3 | 2 |
| Hair, | 1 | 4 | 1 | 2 | " | 1 | 6 | " | 4 | 0 | " | 2 | 6 | 2 | 4 |
| Hardware, | 3 | 0 | 1 | 0 | " | 1 | 6 | " | 4 | 0 | " | 3 | 0 | 2 | 4 |
| Hats, caps, &c. | 1 | 4 | 0 | 8 | " | 0 | 2 | " | 4 | 9 | " | 3 | 2 | 2 | 4 |
| Hempen yarns, | 1 | 4 | 0 | 8 | " | 0 | 6 | " | 4 | 0 | " | 3 | 4 | 3 | 4 |
| Hides, | 1 | 3 | 0 | 6 | " | 0 | 6 | " | 4 | 0 | " | 3 | 4 | 3 | 4 |
| Joiners' work, | 1 | 4 | 0 | 6 | " | 0 | 6 | " | 4 | 0 | " | 3 | 4 | 3 | 4 |
| Lard, | 1 | 4 | 1 | 2 | " | 1 | 6 | " | 4 | 0 | " | 2 | 8 | 2 | 4 |
| Leather, | 3 | 0 | 1 | 2 | " | 0 | 6 | " | 4 | 0 | " | 2 | 4 | 2 | 4 |
| Liquors, | 1 | 4 | 0 | 6 | " | 0 | 6 | " | 4 | 0 | " | 3 | 4 | 3 | 4 |
| Lead, | 1 | 4 | 0 | 6 | " | 0 | 1 | " | 4 | 0 | " | 3 | 4 | 3 | 4 |
| Fish, mackerel, | 2 | 0 | 1 | 0 | " | 1 | 6 | " | 4 | 0 | " | 3 | 2 | 3 | 2 |
| Mechanics' tools, | 1 | 4 | 0 | 8 | " | 0 | 4 | " | 4 | 0 | " | 3 | 4 | 3 | 4 |
| Millstones, | 1 | 4 | 1 | 0 | " | 0 | 8 | " | 4 | 0 | " | 3 | 2 | 3 | 6 |
| Nails and spikes, | 1 | 4 | 1 | 4 | " | 1 | 6 | " | 4 | 0 | " | 2 | 6 | 2 | 4 |
| Oils, | 1 | 4 | 1 | 4 | " | 1 | 6 | " | 4 | 0 | " | 2 | 6 | 2 | 4 |
| Paints, | 1 | 4 | 0 | 6 | " | 1 | 6 | " | 4 | 0 | " | 3 | 4 | 2 | 4 |
| Paper, | 1 | 4 | 0 | 6 | " | 1 | 6 | " | 4 | 0 | " | 3 | 4 | 2 | 4 |
| Peas, | 1 | 4 | 0 | 6 | " | 0 | 2 | " | 4 | 0 | " | 3 | 4 | 2 | 8 |

ARTICLES UPON WHICH TOLLS ARE CHARGED.

| | Rates per ton of 2000 lbs. Ohio canal. | Rates per ton of 2000 lbs. in Penn. | Rates per ton of 2000 lbs. in New York. | Rates per ton of 2000 lbs. in Va. | Excess of Va. tolls over Ohio. | Excess of Va. tolls over Pennsylvania. | Excess of Va. tolls over New York. |
|----------------------------------|---|--|--|--------------------------------------|-----------------------------------|---|---------------------------------------|
| Pork, | Cts. m. 1 4 | Cts. m. 0 6 per mile | Cts. m. 0 6 per mile | Cts. m. 4 0 per mile | Cts. m. 2 6 | Cts. m. 3 4 | Cts. m. 3 4 |
| Porter, | 1 4 | " | " | " | 6 6 | 4 0 | 4 0 |
| Poultry, | " | " | " | " | 6 6 | 3 0 | 2 2 |
| Powder, | 2 0 | " | " | " | 6 6 | 3 0 | 2 2 |
| Rice, | 1 4 | " | " | " | 6 6 | 3 0 | 2 2 |
| Saddlery, | 1 4 | " | " | " | 6 6 | 3 0 | 2 2 |
| Stationery, | 1 4 | " | " | " | 6 6 | 3 0 | 2 2 |
| Seeds of all kinds, | 1 4 | " | " | " | 6 6 | 3 0 | 2 2 |
| Segars, | 2 0 | " | " | " | 6 6 | 3 0 | 2 2 |
| Steam engines, | 1 4 | " | " | " | 6 6 | 3 0 | 2 2 |
| Steel, | 2 0 | " | " | " | 6 6 | 3 0 | 2 2 |
| Spices, | 1 4 | " | " | " | 6 6 | 3 0 | 2 2 |
| Spirits turpentine, | 3 0 | " | " | " | 6 6 | 3 0 | 2 2 |
| Soaps, | 1 4 | " | " | " | 6 6 | 3 0 | 2 2 |
| Shoes and boots, | 3 0 | " | " | " | 6 6 | 3 0 | 2 2 |
| Shot and lead, | 1 4 | " | " | " | 6 6 | 3 0 | 2 2 |
| Sunff. | 2 0 | " | " | " | 6 6 | 3 0 | 2 2 |
| Sugars, | 2 0 | " | " | " | 6 6 | 3 0 | 2 2 |
| Tallow, | 1 4 | " | " | " | 6 6 | 3 0 | 2 2 |
| Teas, | 3 0 | " | " | " | 6 6 | 3 0 | 2 2 |
| Tin and tinware, | 1 4 | " | " | " | 6 6 | 3 0 | 2 2 |
| Venison, | 3 0 | " | " | " | 6 6 | 3 0 | 2 2 |
| Vices, | 1 4 | " | " | " | 6 6 | 3 0 | 2 2 |
| Wrapping paper, | 1 4 | " | " | " | 6 6 | 3 0 | 2 2 |
| Woodware, | 1 4 | " | " | " | 6 6 | 3 0 | 2 2 |
| Wool, | 1 4 | " | " | " | 6 6 | 3 0 | 2 2 |
| Zinc, | 1 4 | " | " | " | 6 6 | 3 0 | 2 2 |
| Tobacco of all kinds, | 1 2 | " | " | " | 1 1 | 2 2 | 3 3 |
| Apples and other domestic fruit, | " | " | " | " | 1 1 | 2 2 | 3 3 |

| | | | 1 4 | 0 8 per mile | 0 6 per mile | 3 0 per mile | 1 6 | 2 3 | 2 4 |
|---|---|---|-----|--------------|--------------|--------------|-----|-----|---------|
| Barley, | - | - | 1 4 | 0 8 | 0 1 | 3 0 | 2 4 | 2 3 | 2 4 |
| Charcoal, | - | - | 0 6 | 0 8 | 1 6 | 3 0 | 1 8 | 2 4 | 2 9 |
| Cider, | - | - | 1 4 | 0 6 | 0 1 | 2 0 | 0 6 | 1 4 | 1 4 |
| Pig lead, | - | - | | | | | | | 1 9 |
| Mahogany, (by 1,000 feet by the ton.) | - | - | | | | | | | |
| Molasses, | - | - | 2 0 | 1 2 | 1 6 | 3 0 | 1 0 | 1 8 | 1 4 |
| Stoneware, | - | - | 1 4 | 0 8 | 0 8 | 3 0 | 1 6 | 2 2 | 2 2 |
| Vinegar, | - | - | 1 2 | 0 8 | 1 6 | 3 0 | 1 8 | 2 2 | 1 4 |
| Bar iron, | - | - | 1 6 | 1 0 | 0 6 | 2 4 | 0 9 | 1 5 | 1 7 |
| Flour and wheat, | - | - | 1 4 | 0 8 | 0 6 | 2 4 | 1 1 | 1 5 | 1 9 |
| Bark, ground and unground, | - | - | 1 2 | 0 8 | 0 8 | 2 0 | 0 8 | 1 2 | 1 2 |
| Bran and other mill offal, | - | - | 0 8 | 1 0 | 0 8 | 2 0 | 1 2 | 1 0 | 1 2 |
| Buckwheat, | - | - | 1 4 | 0 8 | 0 6 | 2 0 | 0 6 | 1 2 | 1 4 |
| Castings, iron, | - | - | 1 4 | 0 8 | 0 8 | 2 0 | 0 6 | 1 0 | 1 2 |
| Hemp, | - | - | 1 4 | 0 8 | 0 2 | 2 0 | 0 6 | 1 2 | 1 8 |
| Oats, | - | - | 1 4 | 0 8 | 0 4 | 2 0 | 0 6 | 1 2 | 1 6 |
| Rye, | - | - | 1 4 | 0 8 | 0 6 | 2 0 | 0 6 | 1 2 | 1 4 |
| Salt, (if of the state.) | - | - | 1 4 | 0 6 | 0 2 | 2 0 | 0 6 | 1 2 | 1 4 |
| Lumber for house building, (by 1,000 feet.) | - | - | - | 1 2 | 2 0 | 2 0 | 0 6 | 1 4 | 1 8 |
| Cement, | - | - | - | 0 4 | - | 1 0 | - | 0 4 | - |
| Coal, | - | - | 0 4 | 0 4 | 0 1 | 1 0 | 0 6 | 0 6 | 0 9 |
| Corn or corn meal, (exc. in favor of Ohio.) | - | - | 1 4 | 0 8 | 0 4 | 1 0 | 0 4 | 0 2 | 0 6 |
| Hay, | - | - | 1 2 | 0 8 | 0 2 | 1 0 | 0 2 | 0 2 | 0 8 |
| Ice, | - | - | 1 0 | 0 4 | - | 1 0 | - | 0 6 | 0 8 |
| Live stock, | - | - | 1 4 | 0 6 | 0 4 | 1 0 | 0 4 | 0 4 | 0 6 |
| Pig iron and scraps, | - | - | 1 2 | 0 8 | 0 6 | 1 0 | 0 2 | 0 2 | 0 4 |
| TOLLS ON PASSENGERS. | | | | | | | | | |
| On white persons over 12 years, | - | - | - | 0 3 | 0 0 1/2 | 1 0 | - | 0 7 | 0 9 1/2 |

Tariff of Tolls proposed by the Committee.

| ARTICLES. | After Dec. 5, 1851. | ARTICLES. | After Dec. 5, 1851. |
|-----------------------------------|------------------------|--------------------------------------|------------------------|
| | Cts. m. | | Cts. m. |
| Agricultural implements, Va. - | 2 0 | Domestics, other, - | 4 0 |
| " other, - | 4 0 | Dry goods, - | 4 0 |
| Ale, beer and porter, - | 4 0 | Drugs, - | 4 0 |
| Alcohol, - | 4 0 | Dye stuffs, - | 4 0 |
| Agricultural products, not other- | | Earthenware and queensware, - | 3 0 |
| wise designated, - | 2 5 | Eggs, - | 4 0 |
| Ashes, pot and pearl, - | 2 5 | Fancy articles, - | 4 0 |
| Anvils, - | 4 0 | Feathers, - | 2 5 |
| Animals, live, gross weight, - | 1 0 | Fish, salted and fresh, - | 2 0 |
| Apples and other dried fruits, - | 2 5 | Flax, - | 2 0 |
| Apples and other green fruit, Va. | 1 5 | Flour, - | 2 0 |
| " other, - | 4 0 | Fodder, straw and shucks, - | 0 5 |
| Bacon, - | 3 5 | Fruits, foreign, not otherwise | |
| Bark, ground or unground, - | 1 5 | designated, - | 4 0 |
| Barley, - | 2 0 | Furniture, Virginia, - | 3 0 |
| Barrels and casks, empty, - | 1 5 | " other, - | 4 0 |
| Beans, - | 2 0 | Furs and peltries, - | 4 0 |
| Beeswax, - | 3 0 | Fruit trees and other shrubbery, - | 1 0 |
| Beef, salted and fresh, - | 3 5 | Ginseng and other roots, - | 2 5 |
| Bellows, Va. - | 2 0 | Glass and glassware, - | 4 0 |
| " other, - | 4 0 | Groceries, not otherwise desig- | |
| Bran and other mill offal, - | 1 0 | nated, - | 3 5 |
| Bricks, - | 0 2 | Grindstones, - | 1 5 |
| Blooms, - | 1 5 | Gypsum, all distances, 12½ cents | |
| Books, - | 4 0 | per ton and all manures, - | |
| Burr blocks, Va. - | 1 0 | Guano, the same for all distances. | |
| " other, - | 4 0 | Glue, - | 4 0 |
| Butter, - | 4 0 | Gravel, sand and earth, 5 cts. per | |
| Buckwheat and buckwheat flour, - | 2 0 | ton for all distances. - | |
| Candles, - | 4 0 | Hardware, Virginia, - | 2 0 |
| Carriages, Virginia, - | 3 0 | " other, - | 4 0 |
| " other, - | 4 0 | Hats and caps, - | 4 0 |
| Carpenters' work, Virginia, - | 2 0 | Hay, - | 1 0 |
| " other, - | 4 0 | Hempen yarns, - | 3 5 |
| Caps, sills and dressed timber, - | 1 5 | Hemp, - | 2 0 |
| Cement, Virginia, - | 0 2 | Hides and skins, dry, - | 3 0 |
| " other, - | 1 0 | " " green, - | 1 0 |
| Cheese, Virginia, - | 2 0 | Headings, - | 0 5 |
| " other, - | 4 0 | Honey, - | 4 0 |
| China ware, - | 4 0 | Hops and herbs, - | 4 0 |
| Cider, Virginia, - | 1 5 | Hoop poles and laths, per ton, 25 | |
| " other, - | 3 0 | cents all distances. - | |
| Charcoal, - | 1 0 | Ice, - | 0 5 |
| Chalk, - | 2 5 | Iron castings, Virginia, - | 1 5 |
| Clocks, - | 4 0 | " other, - | 2 0 |
| Coffee, - | 3 5 | Iron, bar, Virginia, - | 2 0 |
| Cotton, - | 3 5 | " other, - | 2 5 |
| Cotton yarns and bagging, - | 4 0 | Iron, railroad, Virginia, - | 1 5 |
| Copper, - | 4 0 | " other, - | 2 0 |
| Cordage, - | 4 0 | Iron, pig, - | 1 0 |
| Coal tar, - | 1 0 | Iron, scrap, - | 1 0 |
| Coal and coke down the canal, - | 1 0 | Iron ore, - | 0 2 |
| " " up the canal, - | 0 5 | Joiners' work, Virginia, - | 2 0 |
| Copperas, - | 4 0 | " other, - | 4 0 |
| Crackers, - | 4 0 | Lard, - | 3 5 |
| Cutlery, - | 4 0 | Leather, - | 3 5 |
| Copper, scrap and old copper, - | 4 0 | Lead, bar, - | 2 0 |
| Curled hair, - | 4 0 | Lead, pig, - | 2 0 |
| Corn and corn meal, - | 1 0 | Liquorice, - | 4 0 |
| Confectionary of all kinds, - | 4 0 | Liquors, not otherwise designated, - | 4 0 |
| Domestics, Virginia, - | 2 5 | Lime and limestone, Virginia, - | 0 2 |

| ARTICLES. | After Dec. 5, 1851. | | ARTICLES. | After Dec. 5, 1851. | |
|---|------------------------|----|--|------------------------|----|
| | Cts. | m. | | Cts. | m. |
| Lime and limestone, other, - | 0 | 5 | Seeds of all kinds, - | 3 | 0 |
| Logwood, - | 2 | 5 | Stationery, - | 4 | 0 |
| Lead, white, for paint, - | 3 | 5 | Slate for roofing, - | 0 | 5 |
| Machinery, of all kinds, Virginia, | 2 | 0 | Steam engines, Virginia, | 2 | 0 |
| " " other, - | 4 | 0 | " other, - | 4 | 0 |
| Mechanics' tools, Virginia, - | 2 | 0 | Steel, cast, Virginia, - | 3 | 0 |
| " other, - | 4 | 0 | " other, - | 4 | 0 |
| Marble, dressed, Virginia, - | 1 | 5 | Steel of all other kinds, Virginia, | 2 | 0 |
| " other, - | 2 | 0 | " other, - | 3 | 0 |
| Marble, rough, Virginia, - | 0 | 5 | Segars, - | 4 | 0 |
| " other, - | 1 | 0 | Spices, - | 4 | 0 |
| Molasses, - | 2 | 0 | Spirits turpentine, - | 4 | 0 |
| Millstones, Virginia, - | 1 | 0 | Shoes and boots, - | 4 | 0 |
| " other, - | 2 | 0 | Shot and shells, iron, Virginia, | 1 | 5 |
| Metallic paints and plumbago, Va. | 0 | 5 | " other, - | 2 | 0 |
| " other, - | 4 | 0 | Soap, all kinds, - | 3 | 0 |
| Manures of all kinds, and all articles used as manures, 12½ cts. for all distances. | | | Snuff, - | 4 | 0 |
| Muttons, neat; - | 3 | 5 | Sugar, - | 3 | 5 |
| Mahogany, - | 2 | 5 | Sulphur, - | 4 | 0 |
| Moss, - | 2 | 5 | Shot, lead, - | 2 | 0 |
| Mineral waters, - | 0 | 5 | Salt, - | 1 | 5 |
| Metals, not otherwise designated, | 4 | 0 | Stone, rough, 5 cts. all distances. | | |
| Nails and spikes, Virginia, - | 2 | 5 | Stone, dressed, - | 1 | 5 |
| " other, - | 3 | 5 | Shingles, - | 0 | 5 |
| Oils of all kinds, Virginia, - | 3 | 0 | Staves, - | 0 | 5 |
| " other, - | 4 | 0 | Saleratus, - | 4 | 0 |
| Oranges, lemons and other foreign fruits, - | 4 | 0 | Starch, - | 4 | 0 |
| Oysters not in shell, - | 4 | 0 | Tallow, - | 3 | 5 |
| " in shell, - | 1 | 0 | Tea, - | 4 | 0 |
| Oats, clean, - | 1 | 0 | Tobacco of all kinds, - | 3 | 0 |
| Oats, sheaf, - | 0 | 5 | Tobacco stems and scraps, - | 2 | 0 |
| Ores, except iron, - | 1 | 0 | Tin plate and tin ware, - | 3 | 5 |
| Oyster shells, - | 0 | 2 | Turpentine, - | 2 | 0 |
| Peas, - | 2 | 0 | Timber of all kinds undressed, Va. | 0 | 5 |
| Paints, other than metallic, - | 4 | 0 | " other, - | 1 | 0 |
| Paper, Virginia, - | 2 | 0 | Tiles for roofing, - | 0 | 5 |
| " other, - | 4 | 0 | Venison, - | 3 | 5 |
| Pork, salted and fresh, - | 3 | 5 | Vegetables, - | 1 | 0 |
| Pink root, - | 4 | 0 | Vices, - | 4 | 0 |
| Powder, - | 4 | 0 | Vinegar, Virginia, - | 1 | 5 |
| Putty, - | 4 | 0 | " other, - | 3 | 0 |
| Poultry, - | 3 | 0 | Wagons, carts and wheels, &c., | | |
| Potters' ware and stoneware, Va. | 1 | 5 | Virginia, - | 2 | 0 |
| " other, - | 2 | 5 | " other, - | 4 | 0 |
| Pitch and tar, - | 2 | 0 | Wrapping paper, Virginia, | 2 | 0 |
| Potatoes of all kinds, - | 1 | 0 | " other, - | 4 | 0 |
| Posts for fencing, - | 0 | 5 | Wheat, - | 2 | 0 |
| Rags and waste cotton, - | 1 | 0 | Woodware, Virginia, - | 2 | 0 |
| Rails for fencing, split, same as wood. - | | | " other, - | 4 | 0 |
| Rice, - | 3 | 0 | Wood, 12½ cents for all distances per cord. | | |
| Rosin, - | 2 | 0 | Wine, - | 4 | 0 |
| Rye, - | 2 | 0 | Wood, - | 3 | 5 |
| Saddlery, - | 4 | 0 | Zinc, - | 3 | 0 |
| Saltpetre, - | 4 | 0 | | | |
| Snake root, - | 2 | 5 | All tolls and arrangements of the company not changed by this tariff, to remain as heretofore. | | |

[DOC. No. XXVI.]

REPORT

OF

A COMMITTEE OF STOCKHOLDERS

OF THE

JAMES RIVER AND KANAWHA COMPANY.

1852.

REPORT.

The committee to whom were referred the report of the president and accompanying documents, the report of the special committee on tolls and sundry memorials, have been busily engaged in considering the subjects referred to them, and are prepared to report upon all except the subject of tolls, which they were unable fully to consider, because the printing of the documents connected with that subject was not finished. They proceed to report upon the other subjects committed to them.

First.—The proposed change of the time of holding the annual meeting of stockholders.

The president having recommended in his report, that the time for holding the annual meeting be changed to the fourth Monday of October, with a view to conform to the change of the fiscal year, and to meet the wish of the Board of public works, the committee propose the adoption of the following resolution :

1. *Resolved*, That the future annual meetings of the stockholders be held on the fourth Monday in October.

Secondly.—The financial affairs of the company.

It appears from the president's report that, notwithstanding an increase of the income from tolls and a diminution of the expenses of the general administration of the company, the disbursements of the company for the late fiscal year exceeded its receipts by the sum of \$48,628 48, and a similar excess of disbursements for the current year is anticipated to the amount of about \$50,000. These deficiencies will have accrued in consequence of the large amount of interest which has been and is to be paid by the company upon bonds issued to pay for works yet in progress and unproductive. Moreover, another deficiency is anticipated of not less than \$250,000, arising from the excess of the cost of the construction of the second division of the improvement, and of the Tidewater, Southside and Rivanna connections, above the estimates. Of these deficiencies, together amounting to about \$350,000, all to be provided for during the coming year, the company expect to be able to meet from their own resources not less than \$50,000, leaving about \$300,000 unprovided for, in respect to which they will be compelled to ask aid from the state, expecting to repay whatever may be advanced on that account from the larger income which will be received after their new works now in progress are completed. In relation to this subject the committee recommend that the stockholders adopt the following resolutions :

2. *Resolved*, That the president and directors, on behalf of the company, apply to the legislature for aid in relation to the existing and

anticipated deficiencies in their revenue, so as to enable the company punctually to pay their semi-annual interest.

3. *Resolved*, That a committee of five stockholders be appointed to aid by their efforts in giving effect to that application to the legislature.

4. *Resolved*, That if the general assembly shall consider it compatible with the interests of the state and of this company to fund the bond debts of the company, and assume the payment thereof on the part of the state, the stockholders hereby assent to such an arrangement and to a modification of the charter, so as to increase the capital stock of the company by the amount of the said bond debts and to the issue of scrip for the same to the state as additional stock of the company.

Thirdly.—Upon the subject of the future progress of the improvement to the west, the committee recommend to the stockholders the following resolutions:

5. *Resolved*, That the president and directors of the company apply to the legislature to provide the means necessary to extend the canal towards Covington.

6. *Resolved*, That the president and directors ask of the general assembly, in their memorial to that body, that in case any general system of internal improvement be adopted, provision be made for the extension of the water line of the James river and Kanawha company westward to the Ohio.

Fourthly.—The committee had under consideration the memorial of citizens of Lynchburg, asking for certain alterations of the dam and works near that town, with a view to increase the head of water in the canal and pond, and certain resolutions were offered by Mr. Early in relation thereto. The committee recommend the following resolution.

7. *Resolved*, That the Lynchburg memorial and the resolutions of Mr. Early be referred to the president and directors, who are requested to give prompt attention thereto.

The resolutions accompanying the foregoing report were severally adopted.

WM. P. MUNFORD,
Secretary.

[Doc. No. 26.]

PETITION

OF THE

JAMES RIVER AND KANAWHA CO.

1852.

PETITION.

To the General Assembly of Virginia.

The James river and Kanawha company, by their president and directors, respectfully represent :

That at a general meeting of the stockholders of the company, held on the 25th of November last, a committee of the stockholders presented a certain report and resolutions, which were approved and adopted by the meeting, and a copy of them is hereto annexed.

In obedience to those resolutions, your petitioners now present to the general assembly this their memorial.

They would first ask attention to the second of those resolutions.

Under the charter granted in 1832, the capital stock of the company is five millions of dollars, of which three millions belong to the state and two millions to private individuals and corporations.

In 1842, the canal being completed to Lynchburg, and some progress having been made in the work above Lynchburg, the prosecution of the improvement was suspended. The financial condition of the company was such that it was not possible to procure means to resume the construction of its unfinished works until the necessary aid was furnished by the state by an act of Assembly passed the 1st of March 1847, providing for a loan of state stock to the company, to be used in constructing the works between Lynchburg and Buchanan, commonly called the second division of the improvement. By means of the funds so obtained the works upon the second division were resumed.

By an act of the 20th March 1847, the company was authorized to borrow three hundred and fifty thousand dollars, to be applied to the construction of a connection between the canal and tidewater at Richmond, through the dock. The company was also required to establish connections between the canal and the south side of James River at Bent Creek, Hardwicksville, Cartersville and New Canton, and between the canal and Rivanna river. In the year 1849, the general assembly authorized the guarantee of the company's bonds to raise money for making these several connections to the extent of \$350,000 for the tidewater connection and \$150,000 for the Southside and Rivanna connections. The several acts of assembly required the company to pay the interest of the state bonds loaned and the interest on the guaranteed bonds out of its own revenues, "after defraying the necessary charges for the repair, support and management of its canal and other improvements, and general administration of its affairs and after paying its semi-annual interest and annuity debts then existing."

The second division is now in use to Buchanan. The Rivanna connection is completed. The works for the Southside connections are so far constructed as to ensure their completion during the next summer, and the heavy works of the tidewater connection are far advanced towards completion.

It has been found that the actual cost of these several works has exceeded the amount which it was supposed would be sufficient, and to supply the deficiency and ensure their completion there will be required an additional sum of at least three hundred thousand dollars. The object of your petitioners is to ask of your honorable body to loan to them that sum, in the bonds of the state, to enable them to pay punctually their interest debts and to complete fully their unfinished works, the importance of which has already been manifested by successive acts of the general assembly and by the uniform decisions of the stockholders.

Your petitioners respectfully represent that, at the time of the resumption of the works under the act of March 1847, the debt of the company was - - - - - 2,268,645 33
Its debts contracted since that date amount to - 2,206,000 00

Aggregate, - - - \$ 4,474,645 33

The items composing that aggregate, are as follows :

| | | |
|--|---|------------------------|
| 1. A perpetual annuity to the old James river company of \$ 21,000, equal to the interest on | - | 350,000 00 |
| 2. To the state by bond of 24th February 1845, | - | 268,645 33 |
| 3. " " " 25th March 1842, | - | 250,000 00 |
| 4. To the holders of the company's bonds guaranteed by the state under act of 23d March 1839, | | 1,400,000 00 |
| 5. For state stock issued under the act of 1st March 1847, | - | 1,236,000 00 |
| 6. For bonds guaranteed by the state under the acts of 9th and 12th of March 1849, | - | 500,000 00 |
| 7. For state bonds under act of 25th January 1850, | | 110,000 00 |
| 8. For guaranteed bonds for the construction of the third division under act of 15th March 1850, | - | 360,000 00 |
| | | <u>\$ 4,474,645 33</u> |

For the interest on all these several sums the state is either directly or indirectly bound. The first is by the charter a preferred charge upon the revenues of the company. The second and third are debts to the state ; and for the principal and interest of all the rest the state is bound either upon its own bonds or by its guarantee of the company's bonds.

In the present condition of the company's affairs, it will be unable to meet the charges of interest semi-annually as they fall due ; and it is of the utmost importance to the company fully to complete the several unfinished works from Tidewater to Buchanan as a means of

securing a large increase of revenue. The second division, extending from Lynchburg to Buchanan, has been only put in use during the present fiscal year, and no doubt will add very considerably to the revenue of the company. A similar result may be expected from the completion of the unfinished works now in progress. It must be observed also that during the construction of the recent works, on account of which a large portion of the existing debt has been incurred, the company has been bearing the heavy and constantly increasing burden of paying interest upon the cost of constructing expensive works which were wholly unproductive so long as they were unfinished, and several of which are still in that predicament. The amount of interest thus paid, since the commencement of the second division of the improvement on account of the construction of works unfinished and unproductive, amounted, at the close of the last fiscal year, to \$ 431,274.

But now the most important of these works yield revenue and all will be in that condition. Your petitioners therefore concur in the opinion that the revenues of the company will in a short time be such as to justify the expectation of meeting all charges, and of repaying within five years the loan now asked.

The denial of this petition will prove disastrous to the affairs of the James river and Kanawha company, with whose interests those of the state itself are identified; while it is believed that to grant the prayer of your petitioners will prove beneficial to the state, both as a creditor and as a stockholder of the company. And in a matter of so much importance, your petitioners will be pardoned for intimating how deeply injurious to the credit of the state and to the whole cause of internal improvement in Virginia it would be, if there should be a failure to make adequate provision for the interest for which the state is bound. Your petitioners must also express their great regret on account of the unavoidable necessity which has compelled the company to make this call for aid upon the state, while they confidently believe that the completion of the vast amount of work done in the last five years will ultimately redound to the great advantage of the company and of the public.

The fourth resolution was adopted by the stockholders with the view of relieving the question involved in it from any embarrassment which might arise if the views of the stockholders were unknown. It is submitted with this view to the general assembly. It acquires great importance from the fact that a strong desire is extensively felt amongst those using the canal to have a reduction of the tolls charged by the company.

The company earnestly desire to prosecute their work on the third division, which extends from Buchanan to Covington, and respectfully ask of the state its aid to do so. The distance is ascertained to be less than fifty miles, and the practicability of the water line is unquestionable. The funds appropriated by the act of 15th March 1850 will not carry the improvement more than ten miles, and the sooner the execution of the work can be completed the sooner will the company be aided by the revenues arising from it to meet the charge of

interest on the cost of construction and to provide for the ultimate redemption of the debt.

The undersigned have supposed that the general assembly had definitely approved the plan of the stockholders to extend its water line to Covington. This opinion is founded on the terms of the act of March 16, 1850, giving aid expressly for that object, and on the third section of the act of January 30, 1850, which secures to the canal company the preferred right of location to the same point over the railroad company. Your petitioners, confidently believing that the extension of their water line to the Ohio river is destined to be completed, and will be of incalculable advantage to the people of the state, to their commercial and agricultural interests, and to the stockholders, earnestly desire to proceed with the work on the third division. A connection will thus be formed between the company's eastern and western works. The Kanawha turnpike has its eastern terminus at Covington and its western on the Ohio river.

This turnpike road was constructed at the cost of the state, and on the reorganization under the act of 1832 was transferred to the company at a high valuation, as a part of the stock subscribed by the state. Although very valuable to the public as a thoroughfare, it has not been a productive source of revenue to the company. Its connection with the canal at Covington will add to its value in that respect, and if the canal be not permitted to go at least as far as the eastern terminus of the turnpike there can be no hope that any considerable freight can pass over it and add to the business of the canal. The failure to make this connection will add so much to the cost of transportation, by repeated transshipments, that the interests of the company must be most injuriously affected, both in its upward and downward trade.

The surveys for the location of the canal to Covington have been made, and an estimate of its probable cost will be presented as soon as it can be prepared.

Your memorialists invite the attention of the assembly to the 6th resolution of the stockholders. In that resolution they ask, that if a general system for the completion of the improvements of the state shall be adopted by your honorable body, provision may be made for the extension of their water line to the Ohio river. They have often enquired into the feasibility of connecting the eastern and western waters of the state by passing over the summit level with their water line, and they are satisfied that the measure is practicable. It seems obvious that being so, it is the best policy of the company to adopt an uniform, continuous plan of improvement, in preference to a mixed improvement partly of canal and partly of railroad, and to secure the great advantages of a highway open to all, governed by one company. The resolution expresses the opinion of the stockholders of the James river and Kanawha company in regard to their own improvement. Your petitioners submit herewith the last annual report of the president of the company, with the accompanying documents, which give the results of a geological examination, and the opinions of the chief engineer on the question involved—a question which the

company had necessarily to decide, not in reference to the measures of other companies, but as an essential feature of their own.

Relying on the justice of the general assembly in protecting the chartered rights of the company in regard to the location of their improvements, and on the enlightened wisdom which will guide your deliberations on all subjects affecting the interests of the state, your petitioners confidently submit this memorial to your consideration.

Respectfully,

Your obedient servants,

J. Y. MASON, *President,*
For himself and the Board of Directors.

Richmond, January 16, 1852.

[DOC. No. XXVII.]

REPORT

OF

THE COMMITTEE OF PRIVILEGES AND ELECTIONS

RELATIVE TO

THE CONTESTED ELECTION

FROM THE

COUNTIES OF BRAXTON AND NICHOLAS.

1852.

REPORT.

The committee of privileges and elections have, according to order, had under consideration the petition of Preston M. Adams, to them referred, complaining of the undue election of Robert Dunlap as a delegate to represent the counties of Braxton and Nicholas in the present general assembly, and have come to the following resolution thereon :

1. *Resolved as the opinion of this committee*, That there is no sufficient cause assigned in the petition and notice of P. M. Adams to vacate the seat of Robert Dunlap in the present general assembly.

2. *Resolved*, That this committee be discharged from the further consideration of the subject.

[Doc. No. 27.]

AMENDMENT

PROPOSED BY MR. TOMLIN,

TO THE

REPORT OF COMMITTEE OF PRIVILEGES AND ELECTIONS

RELATIVE TO

THE CONTESTED ELECTION

FROM THE

COUNTIES OF BRAXTON AND NICHOLAS.

1852.

AMENDMENT.

After the word "*Resolved*," in the second resolution, strike out the residue thereof, and insert, "*therefore, as the opinion of this committee*, That the petition of Preston M. Adams be rejected, and that Robert Dunlap, the returned member from the said counties, is entitled to his seat in the present house of delegates."

1. The first group of people who are likely to be affected by the proposed changes are those who are currently employed in the public sector. This group includes civil servants, teachers, nurses, and other public employees. They will be affected because the proposed changes will likely lead to a restructuring of the public sector, which could result in job losses or changes in job responsibilities.

[illegible]

[Doc. No. 27.]

PETITION OF P. M. ADAMS,

CONTESTING THE

ELECTION OF ROBERT DUNLAP.

1852.

PETITION.

*To the Honorable the
General Assembly of Virginia.*

The undersigned petitioner would humbly represent to your body, that he and others were candidates for a seat in the present house of delegates of Virginia from the counties of Braxton and Nicholas—and Robert Dunlap having been declared elected, and the certificate of election awarded to him by the sheriffs of said counties, to which your petitioner objects—

1st. The polls were not kept according to law: there was no duplicate poll book kept of the election in Braxton.

2d. The clerks at Nicholas courthouse do not appear to have been sworn, from the certificate. The same objection applies to the precinct election at Singleton's in Braxton county.

3d. The sheriffs conducting the election at the courthouses of said counties did not meet and compare the polls until the 29th day of December, which was twenty days after the election.

4th. They signed a certificate of election, dated the 16th day of December, before they had met. In fact, one sheriff signed it on the 16th, and the other on the 18th of December, without ever comparing the polls.

5th. The polls are not legally taken and certified. They do not shew at what precincts they were taken. From the certificates of the justice, there were two polls taken at John F. Singleton's in Braxton county. If the certificates are any criterion, they shew a different set of commissioners, sheriffs, clerks and voters. It appears the commissioners at the Birch precinct were sworn to judge of the voters at the Singleton precinct.

All of which the undersigned respectfully submits.

P. M. ADAMS.

[COPY.]

To Robert Dunlap.

SIR,

Take notice that I, Preston M. Adams, one of the candidates in the last election for a seat in the next house of delegates from the counties of Braxton and Nicholas, will contest your election as a delegate to the next general assembly of Virginia from said counties.

1st. Because there was no duplicate poll kept of said election.

2d. The polls are not certified according to law.

3d. The certificate of election was illegally awarded.

4th. The certificate of election was given without comparing the polls.

5th. There was fraud in circulating, on the morning of the election, that I was not a candidate, which was done by you, or through your instrumentality.

I will proceed, on the 26th day of December 1851, at the courthouse of Braxton county, to take the depositions of John Morrison and others, to be read as evidence in the next house of delegates, in support of the foregoing allegations, and will continue from day to day until the same are completed.

P. M. ADAMS.

December 18, 1851.

[DOC. No. XXVIII.]

RESOLUTIONS

OF THE

SELECT AND COMMON COUNCILS

OF THE

CITY OF PHILADELPHIA,

RELATIVE TO THE

ERECTION OF MONUMENTS

ON

INDEPENDENCE SQUARE.

1852.

EXECUTIVE DEPARTMENT,
January 27, 1852.

SIR,

I have the honor to transmit herewith a communication, addressed to the senate and house of delegates of Virginia, from the presidents of the select and common councils of the city of Philadelphia, enclosing certain resolutions of their respective bodies, and to ask that the same may be laid before the house of delegates.

Very respectfully,

Your ob't serv't,

JOS. JOHNSON.

*To the Speaker of
the House of Delegates.*

PHILADELPHIA, Jan. 1st, 1852.

*To the Honorable the Senate and House
of Representatives of the Commonwealth of Virginia.*

GENTLEMEN,

The undersigned, the presidents of the select and common councils of the city of Philadelphia, beg leave to present to your honorable bodies the accompanying resolutions of the select and common councils of the city of Philadelphia, and to desire you to further the object therein expressed.

We are,

Very respectfully,

Your ob't serv'ts,

WILLIAM MORRIS, *Pres.*
Of the Select Council.

THOMAS SNOWDEN, *Pres.*
Of the Common Council.

RESOLUTIONS.

CITY HALL, Philadelphia, Sept. 25, 1851.

At a meeting of the select and common councils of the city of Philadelphia, held this day, the following preamble and resolutions were adopted:

Whereas the spot on which the congress of the American colonies declared their independence should be dear to the whole nation to which that act gave birth it is hallowed, not only by the heroism of the men, who, in the name of a small and scattered people, renounced the rule of a powerful king, but by the first formal promulgation of the principles of political liberty, which are the inheritance of our own great REPUBLIC, and the guide and hope of the friends of man throughout the world.

Viewed with this reference, the hall of the old state house of the colony of Pennsylvania may take precedence in interest of every other edifice, ancient or modern. In it assembled the apostles of political freedom. In it, calling God to witness the truth of their cause, they pledged their lives to that revelation of right, from the progress of which, within the brief period of a human life, we are assured that in due time it will embrace the convictions, and secure the happiness of the whole family of mankind:

It is assumed, therefore, that the thirteen states of 1776 feel a common and a special pride in the alliance of their names with the declaration of independence—with the wisdom which conceived it, the valor which resolved it, the fortitude which sustained it, the glory which still confirms it—and that they will unite in further consecrating the place of its adoption, by memorials worthy of the act and of its authors:

Entertaining these views—*Be it and it is hereby resolved, by the select and common councils of the city of Philadelphia—*

First. That it is expedient to have erected, in the grove belonging to the hall in which the national independence was declared, "one or more" monuments commemorative respectively of the states and of the men, parties to that glorious event.

Secondly. That in order to accomplish this patriotic design, the presidents of the select and common councils are hereby directed to furnish a copy of these proceedings to, and memorialize the legislatures of, the states of Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, suggesting to those legislatures to appoint each two delegates to a conven-

tion to assemble in independence hall on the fourth day of July 1852, as the guests of the city of Philadelphia, there to deliberate upon a plan of carrying into effect this proposition in a manner becoming the means of their constituents and the memories of the illustrious dead.

Thirdly. That in the event of this proposition having a favorable response from the states addressed, the select and common councils of the city of Philadelphia, in the name of the citizens, are pledged to hold the grounds of independence hall free from all encroachments upon the monuments therein to be erected, and to guard the same, equally with the hall itself, as a sacred and national trust forever.

Attest,

THOS. BIRCH,

Clerk of Common Council.

EDMUND WILCOX,

Clerk of Select Council.

[DOC. No. XXIX.]

PREAMBLE AND RESOLUTIONS

RELATIVE TO

THE PUBLIC DOMAIN.

1852.

PREAMBLE AND RESOLUTIONS.

Whereas the public domain of the United States is the common property of all the states of this Union, in the enjoyment whereof each state is entitled to equal rights, benefits and privileges with the others : And whereas the policy of the general government seems to be to dispose of said domain almost entirely for the benefit of the new states within whose borders it principally lies, for purposes of internal improvement and education : And whereas, if the policy is to prevail that said domain is the subject of distribution in whole or in part, among any of the states of this Union, Virginia—the liberal donor of a vast domain to the general government in the days of her youth and prosperity—is now pre-eminently entitled to her full and ample share thereof, either in kind or that into which the same may be converted : And whereas since the ratification of the new constitution of this state, which places the election of all the important officers of the various departments of the government in the hands of the people, it is of primary importance to provide the means of education and enlightenment to all our citizens alike, and thus qualify them for the intelligent discharge of the highest and dearest privileges of freemen—which can be only accomplished by the establishment of an enlarged and liberal system of common schools : And whereas Virginia, by her legislatures in past years, has refused to apply to congress for any portion of the public lands for any purpose whatever, and has also refused to accept a large sum of money, the proceeds of the sales of said lands, directed by the congress of the United States to be distributed to Virginia : Therefore, in order to ascertain more fully the sense of the people of this state on this very important question—

Be it resolved by the general assembly of Virginia—

I. That at the next general election to be held for delegates to the general assembly, a poll shall be opened by the officers conducting said election, in all the counties, cities, towns and election districts in this commonwealth, to ascertain the popular will on the following propositions, viz :

1. That the treasurer of this commonwealth be directed to demand and receive of the government of the United States the sum of \$41,567, which, by an act of congress approved the 4th day of September 1841, is the sum directed to be distributed to Virginia, arising from the sales of the public lands ; and when received, to invest the same for the benefit of the Literary fund—the annual income thereof to be applied to the education of the indigent children of the commonwealth.

2. That the senators and representatives of this state in the congress of the United States be requested and instructed to use their best efforts to secure the passage of a law setting apart to Virginia 10,000,000 of acres of the public territory, to be applied to purposes of common school education in this commonwealth.

II. That the officers taking said poll be required to transmit a duplicate thereof to the secretary of the commonwealth within 30 days after the same is taken, whose duty it shall be to ascertain the result, and communicate it, together with the foregoing preamble and resolutions, to each of our senators and representatives in congress, and also to the next general assembly of Virginia.

[DOC. No. XXX.]

CONDITION

OF THE

MANUFACTURERS AND FARMERS

BANK OF WHEELING.

1852.

EXECUTIVE DEPARTMENT,

January 30th, 1852.

SIR,

I transmit herewith, for the information of the general assembly, a statement of the condition of the Manufacturers and Farmers Bank of Wheeling on the 1st instant.

Very respectfully,

Your obedient servant,

JOS. JOHNSON.

To the Speaker of the House of Delegates.

State of the Manufacturers and Farmers

| | | | | | |
|---|---|---|---|-----------|---------------------|
| Virginia bonds, | - | - | - | - | 150,000 00 |
| Premiums paid on same, | - | - | - | - | 3,000 00 |
| Banking house, | - | - | - | - | 5,279 51 |
| Expense account, | - | - | - | - | 880 37 |
| Postage, | - | - | - | - | 2 00 |
| Bills discounted, viz: | | | | | |
| Domestic, | - | - | - | 40,071 92 | |
| Foreign, | - | - | - | 76,448 61 | |
| | | | | | <u>116,520 53</u> |
| Commonwealth of Virginia—interest on bonds, | - | - | - | - | 3,836 86 |
| Due by banks and bankers, | - | - | - | - | 3,801 71 |
| Cash on hand, viz: | | | | | |
| Virginia bank notes, | - | - | - | 1,515 00 | |
| Bank notes other states, | - | - | - | 5,489 00 | |
| Gold, | - | - | - | 25,338 00 | |
| Silver, | - | - | - | 947 20 | |
| | | | | | <u>33,289 20</u> |
| | | | | | <u>\$316,610 18</u> |

Bank of Wheeling, January 1st, 1852.

| | | | | | | | |
|---|---|---|---|---|---------|---------|----|
| Capital stock paid, | - | - | - | - | - | 155,000 | 04 |
| Interest, | - | - | - | - | - | 5,482 | 06 |
| Exchange, | - | - | - | - | - | 269 | 30 |
| Bills received from treasurer and issued, | - | - | - | - | 130,000 | | |
| on hand, | - | - | - | - | 15,350 | | |
| in circulation, | - | - | - | - | | 114,650 | 00 |
| Due on certificate of deposit, | - | - | - | - | - | 7,708 | 00 |
| Due to individual depositors, | - | - | - | - | - | 24,388 | 43 |

\$ 316,610 18

**ROBERT GIBSON,
T. SWEENEY,
HUGH NICHOLS,
JACOB HORNHOOK,
W. H. HOUSTON,
SAM'L S. KNOX,**
Directors.

STATE OF VIRGINIA, Ohio County, ss:

Personally appeared before me Thos. Sweeney, justice of the peace in and for said county, John List, cashier, and made oath that the above statement is just and true, to the best of his knowledge and belief.

T. SWEENEY, J. P.

[DOC. No. XXXI.]

RESOLUTION

FOR

DIVIDING THE COUNTIES AND CITIES

OF THE

COMMONWEALTH INTO DISTRICTS,

PURSUANT TO

SEC. 27, ART. 6 OF THE CONSTITUTION.

1852.

RESOLUTION.

Resolved by the general assembly, That fifty joint committees, each consisting of the senator and delegates from each respective senatorial district, be appointed, charged, with the duty of recommending proper persons to the general assembly to act as commissioners to divide the several counties and cities of this commonwealth into districts, in pursuance of the 27th section of the 6th article of the constitution; and that said committee further report the number of districts into which each county and city may be most conveniently divided: *Provided,* That the number of such commissioners shall not exceed eleven for each county.

[DOC. No. XXXII.]

STATEMENTS

OF THE

POPULATION AND FEDERAL NUMBERS

IN

EACH COUNTY OF THE STATE,

AND OF

THE FEDERAL POPULATION

OF THE

SEVERAL ELECTION DISTRICTS.

1852.

AUDITOR'S OFFICE,
RICHMOND, Feb. 2, 1852.

To the Hon. OSCAR M. CRUTCHFIELD,
Speaker of the House of Delegates of Va.

SIR,

I have the honor of enclosing to you herewith, "A tabular statement of the population and federal numbers in each of the counties of the commonwealth of Virginia, according to the census of 1850;" also, "A tabular statement shewing the federal population of the several election districts in the commonwealth of Virginia, according to the census of 1850"—prepared in compliance with a resolution of the house of delegates passed on the 23d day of January 1852.

I am,

With high respect,

Your ob't serv't,

RO. JOHNSTON,
First Auditor.

A Tabular Statement exhibiting the Population and Federal Numbers in each of the Counties of the Commonwealth of Virginia, according to the Census of 1850—prepared in compliance with a Resolution of the House of Delegates passed on the 23d day of January 1852.

| COUNTIES. | Aggregate. | Free Whites. | Free Colored. | Slaves. | Three-fifths of Slaves. | Representative Number. | REMARKS. |
|-------------------|------------|--------------|---------------|---------|-------------------------|------------------------|-----------------------------------|
| Accomack, - | 17890 | 9742 | 3161 | 4937 | 2992 | 15895 | |
| Albemarle, - | 25800 | 11876 | 586 | 13338 | 8003 | 20465 | |
| Alexandria, - | 10006 | 7213 | 1413 | 1382 | 829 | 9455 | |
| Alleghany, - | 3515 | 2763 | 58 | 694 | 416 | 3237 | |
| Amelia, - | 9770 | 2794 | 157 | 6819 | 4091 | 7042 | |
| Amherst, - | 12699 | 6353 | 393 | 5953 | 3572 | 10318 | |
| Appomattox, - | 9193 | 4210 | 184 | 4799 | 2879 | 7273 | |
| Augusta, - | 24592 | 19024 | 533 | 5035 | 3021 | 22578 | |
| Barbour, - | 9005 | 8671 | 221 | 113 | 68 | 6960 | |
| Bath, - | 3426 | 2436 | 43 | 947 | 568 | 3047 | |
| Bedford, - | 24080 | 13556 | 463 | 10061 | 6036 | 20055 | |
| Berkeley, - | 11771 | 9566 | 249 | 1956 | 1173 | 10988 | |
| Boone, - | 3237 | 3054 | - | 183 | 110 | 3164 | |
| Botetourt, - | 14908 | 10749 | 423 | 3736 | 2241 | 13413 | |
| Braxton, - | 4212 | 4123 | - | 89 | 53 | 4176 | |
| Brooke, - | 5054 | 4923 | 100 | 31 | 18 | 5041 | |
| Brunswick, - | 13894 | 4895 | 543 | 8456 | 5073 | 10511 | |
| Buckingham, - | 13837 | 5426 | 250 | 8161 | 4896 | 10572 | |
| Cabell, - | 6299 | 5904 | 6 | 389 | 233 | 6143 | |
| Campbell, - | 23245 | 11538 | 841 | 10866 | 6519 | 18898 | |
| Caroline, - | 18456 | 6892 | 903 | 10661 | 6396 | 14191 | |
| Carroll, - | 5909 | 5726 | 29 | 154 | 92 | 5847 | |
| Charles City, - | 5200 | 1664 | 772 | 2764 | 1658 | 4094 | |
| Charlotte, - | 13955 | 4605 | 362 | 8988 | 5393 | 10360 | |
| Chesterfield, - | 17489 | 8405 | 468 | 8616 | 5169 | 14042 | |
| Clarke, - | 7352 | 3615 | 123 | 3614 | 2168 | 5906 | |
| Craig, - | - | - | - | - | - | - | Not formed when census was taken. |
| Culpeper, - | 12282 | 5111 | 488 | 6683 | 4010 | 9609 | |
| Cumberland, - | 9751 | 3083 | 339 | 6329 | 3797 | 7219 | |
| Dinwiddie, - | 25118 | 10985 | 3253 | 10880 | 6528 | 20766 | |
| Doddridge, - | 2750 | 2719 | - | 31 | 18 | 2737 | |
| Elizabeth City, - | 4586 | 2341 | 97 | 2148 | 1289 | 3727 | |
| Essex, - | 10206 | 3025 | 419 | 6762 | 4057 | 7501 | |
| Fairfax, - | 10682 | 6835 | 597 | 3250 | 1950 | 9392 | |
| Fauquier, - | 20869 | 9875 | 644 | 10350 | 6210 | 16729 | |
| Fayette, - | 3955 | 3782 | 17 | 156 | 93 | 3892 | |
| Floyd, - | 6458 | 6000 | 15 | 443 | 266 | 6281 | |
| Fluvanna, - | 9487 | 4539 | 211 | 4737 | 2842 | 7592 | |
| Franklin, - | 17430 | 11638 | 66 | 5726 | 3435 | 15139 | |
| Frederick, - | 15975 | 12769 | 912 | 2294 | 1376 | 15057 | |
| Giles, - | 6570 | 5859 | 54 | 657 | 394 | 6307 | |
| Gilmer, - | 3475 | 3403 | - | 72 | 43 | 3446 | |
| Gloucester, - | 10527 | 4290 | 680 | 5557 | 3334 | 8304 | |
| Goochland, - | 10352 | 3854 | 653 | 5845 | 3507 | 8014 | |
| Grayson, - | 6677 | 6142 | 35 | 499 | 299 | 6477 | |
| Greenbrier, - | 10022 | 8549 | 156 | 1317 | 790 | 9495 | |
| Greene, - | 4400 | 2667 | 34 | 1699 | 1019 | 3720 | |
| Greensville, - | 5639 | 1731 | 123 | 3785 | 2271 | 4125 | |
| Halifax, - | 25962 | 11006 | 504 | 14452 | 8671 | 20181 | |
| Hampshire, - | 14636 | 12389 | 214 | 1433 | 860 | 13463 | |
| Hanover, - | 15153 | 6541 | 219 | 8393 | 5036 | 11796 | |
| Hancock, - | 4050 | 4040 | 7 | 3 | 2 | 4049 | |
| Hardy, - | 9543 | 7930 | 353 | 1260 | 756 | 9039 | |
| Harrison, - | 11728 | 11214 | 26 | 488 | 293 | 11533 | |
| Henrico, - | 43572 | 23800 | 3663 | 16109 | 9365 | 37128 | |
| Henry, - | 8872 | 5324 | 208 | 3340 | 2004 | 7536 | |
| Highland, - | 4227 | 3353 | 10 | 384 | 218 | 4051 | |
| Isle of Wight, - | 9356 | 4727 | 1234 | 3395 | 2037 | 7998 | |

Including Richmond city.

| COUNTIES. | Aggregate. | Free Whites. | Free Colored. | Slaves. | Three-fifths of Slaves. | Representative Number. | REMARKS. |
|-------------------|------------|--------------|---------------|---------|-------------------------|------------------------|---------------------------------------|
| Jackson, - | 6544 | 6480 | 11 | 53 | 32 | 6523 | Including Williamsburg. |
| James City, - | 4020 | 1489 | 663 | 1868 | 1121 | 3273 | |
| Jefferson, - | 15357 | 10476 | 540 | 4341 | 2604 | 13620 | |
| Kanawha, - | 15353 | 12002 | 211 | 3140 | 1884 | 14097 | |
| King George, - | 5971 | 2303 | 265 | 3403 | 2042 | 4610 | |
| King William, - | 8779 | 2702 | 346 | 5731 | 3438 | 6186 | |
| King & Queen, - | 10319 | 4094 | 461 | 5764 | 3458 | 8013 | |
| Lancaster, - | 4708 | 1805 | 263 | 2640 | 1584 | 3652 | |
| Lee, - | 10267 | 9440 | 40 | 787 | 472 | 9952 | |
| Lewis, - | 10031 | 9621 | 42 | 368 | 221 | 9884 | |
| Logan, - | 3620 | 3533 | - | 87 | 52 | 3585 | |
| Loudoun, - | 22079 | 15081 | 1357 | 5641 | 3384 | 18822 | |
| Louisa, - | 16691 | 6423 | 404 | 9864 | 5918 | 12745 | |
| Lunenburg, - | 11692 | 4310 | 195 | 7187 | 4312 | 8817 | |
| Madison, - | 9331 | 4458 | 149 | 4724 | 2834 | 7441 | |
| Marion, - | 10552 | 10438 | 20 | 94 | 56 | 10514 | |
| Marshall, - | 10138 | 10050 | 39 | 49 | 29 | 10118 | |
| Mason, - | 7539 | 6843 | 49 | 647 | 388 | 7280 | |
| Matthews, - | 6714 | 3644 | 147 | 2923 | 1754 | 5545 | |
| Mecklenburg, - | 20630 | 7256 | 912 | 12462 | 7477 | 15645 | |
| Mercer, - | 4222 | 4018 | 27 | 177 | 107 | 4151 | |
| Middlesex, - | 4394 | 1903 | 149 | 2342 | 1405 | 3457 | |
| Monongalia, - | 12387 | 12092 | 119 | 176 | 105 | 12316 | Including Norfolk City. |
| Monroe, - | 10204 | 9062 | 81 | 1061 | 636 | 9779 | |
| Montgomery, - | 8359 | 6822 | 66 | 1471 | 882 | 7770 | |
| Morgan, - | 3557 | 3431 | 3 | 123 | 74 | 3508 | |
| Nansemond, - | 12283 | 5425 | 2143 | 4715 | 2829 | 10397 | |
| Nelson, - | 12758 | 6478 | 138 | 6142 | 3685 | 10301 | |
| New Kent, - | 6064 | 2221 | 433 | 3410 | 2046 | 4700 | |
| Nicholas, - | 3963 | 3889 | 1 | 73 | 44 | 3934 | |
| Norfolk county, - | 33039 | 20373 | 2266 | 10400 | 6240 | 28879 | |
| Northampton, - | 7498 | 3105 | 745 | 3648 | 2189 | 6039 | |
| Northumberland, - | 7346 | 3072 | 519 | 3755 | 2253 | 5844 | |
| Nottoway, - | 8437 | 2251 | 136 | 6050 | 3630 | 6017 | |
| Ohio, - | 18006 | 17607 | 235 | 164 | 98 | 17940 | |
| Orange, - | 10067 | 3962 | 184 | 5921 | 3552 | 7698 | |
| Page, - | 7600 | 6332 | 311 | 957 | 574 | 7217 | |
| Patrick, - | 9609 | 7197 | 88 | 2324 | 1394 | 8679 | |
| Pendleton, - | 5795 | 5443 | 30 | 322 | 193 | 5666 | |
| Pittsylvania, - | 28796 | 15263 | 735 | 12798 | 7679 | 23677 | |
| Pleasants, - | - | - | - | - | - | - | Not formed when the census was taken. |
| Pocahontas, - | 3598 | 3308 | 23 | 267 | 160 | 3491 | |
| Powhatan, - | 8178 | 2532 | 364 | 5282 | 3169 | 6065 | |
| Preston, - | 11708 | 11574 | 47 | 87 | 52 | 11673 | |
| Princess Anne, - | 7669 | 4280 | 259 | 3130 | 1878 | 6417 | |
| Prince Edward, - | 11857 | 4177 | 488 | 7192 | 4315 | 8980 | |
| Prince George, - | 7596 | 2670 | 518 | 4408 | 2645 | 5833 | |
| Prince William, - | 8229 | 5081 | 550 | 2598 | 1559 | 7190 | |
| Pulaski, - | 5118 | 3613 | 34 | 1471 | 882 | 4529 | |
| Putnam, - | 5335 | 4693 | 10 | 632 | 379 | 5082 | |
| Raleigh, - | 1765 | 1735 | 7 | 23 | 14 | 1756 | |
| Randolph, - | 5243 | 5003 | 39 | 201 | 120 | 5162 | |
| Rappahannock, - | 9752 | 5642 | 296 | 3814 | 2288 | 8226 | |
| Richmond, - | 6448 | 3462 | 709 | 2277 | 1366 | 5537 | |
| Ritchie, - | 3902 | 3886 | - | 16 | 9 | 3895 | |
| Roanoke, - | 8477 | 5813 | 154 | 2510 | 1506 | 7473 | |
| Rockbridge, - | 16045 | 11484 | 364 | 4197 | 2518 | 14366 | |
| Rockingham, - | 20294 | 17498 | 465 | 2331 | 1398 | 19331 | |
| Russell, - | 11919 | 10867 | 70 | 982 | 589 | 11526 | |
| Scott, - | 9823 | 9319 | 31 | 473 | 284 | 9434 | |
| Shenandoah, - | 13768 | 12595 | 262 | 911 | 546 | 13403 | |
| Smyth, - | 8162 | 6901 | 197 | 1064 | 634 | 7736 | |
| Southampton, - | 13521 | 5971 | 1795 | 5755 | 3453 | 11219 | |
| Spotsylvania, - | 14911 | 6903 | 527 | 7481 | 4488 | 11918 | |
| Stafford, - | 8044 | 4415 | 318 | 3311 | 1986 | 6719 | |

| COUNTIES. | Aggregate | Free White. | Free Colored. | Slaves. | Three-fifths of Slaves. | Representative Number. | REMARKS. |
|-----------------|-----------|-------------|---------------|---------|-------------------------|------------------------|---------------------------------------|
| Surry, - | 5679 | 2215 | 985 | 2479 | 1487 | 4687 | Not formed when the census was taken. |
| Sussex, - | 10020 | 3086 | 942 | 5992 | 3595 | 7623 | |
| Taylor, - | 5367 | 5130 | 69 | 163 | 101 | 5300 | |
| Tazewell, - | 9942 | 8807 | 75 | 1060 | 636 | 9518 | |
| Tyler, - | 5398 | 5356 | 4 | 38 | 23 | 5383 | |
| Upshur, - | - | - | - | - | - | - | |
| Warren, - | 6607 | 4492 | 367 | 1748 | 1049 | 5908 | |
| Warwick, - | 1546 | 598 | 43 | 905 | 543 | 1184 | |
| Washington, - | 14612 | 12372 | 109 | 2131 | 1278 | 13759 | |
| Wayne, - | 4760 | 4564 | 7 | 189 | 113 | 4684 | |
| Westmoreland, - | 8080 | 3410 | 1113 | 3557 | 2134 | 6657 | |
| Wetzel, - | 4284 | 4261 | 6 | 17 | 10 | 4277 | |
| Wirt, - | 3353 | 3319 | 2 | 32 | 19 | 3340 | |
| Wood, - | 9450 | 9008 | 69 | 373 | 224 | 9301 | |
| Wyoming, - | 1645 | 1583 | 1 | 61 | 36 | 1610 | |
| Wythe, - | 12024 | 9618 | 221 | 2185 | 1311 | 11050 | |
| York, - | 4460 | 1825 | 454 | 2181 | 1308 | 3587 | |
| | 1421814 | 895204 | 54030 | 472580 | 283547 | 1232771 | |

TOWNS AND CITIES

Are included in the counties to which they belong. As far as their separate population &c. can be ascertained, they are as follows :

| | | | | | | |
|------------------|-------|-------|------|------|------|-------|
| Norfolk City, - | 14320 | 9068 | 957 | 4295 | 2577 | 12602 |
| Petersburg, - | 14603 | 6658 | 2624 | 5321 | 3192 | 12474 |
| Richmond City, - | 27483 | 15307 | 2269 | 9907 | 5944 | 23620 |

RECAPITULATION.

| | | | | |
|---------------------------|---|---|---------|---------|
| Whole population, - | - | - | 1421814 | |
| Free whites, - | - | - | - | 895204 |
| Free colored, - | - | - | - | 54030 |
| Slaves, - | - | - | 472580 | |
| Three-fifths of slaves, - | - | - | - | 283547 |
| Federal numbers, - | - | - | | 1232771 |

Tabular Statement shewing the Federal Population in the several Election Districts of the Commonwealth, according to the Census of 1850.

TIDEWATER DISTRICT.

| ELECTION DISTRICTS. | Fed. popula. in each county. | Fed. popula. in district. | |
|---------------------|---------------------------------|------------------------------|-------------------------|
| Charles City, - | 4094 | 12067 | Including Williamsburg. |
| James City, - | 3273 | | |
| New Kent, - | 4700 | | |
| Elizabeth City, - | 3727 | 8498 | Included in James City. |
| Warwick, - | 1184 | | |
| York, - | 3587 | | |
| Williamsburg, - | - | | |
| Essex, - | 7501 | 15514 | |
| King & Queen, - | 8013 | | |
| Greensville, - | 4125 | | |
| Sussex, - | 7623 | 11748 | |
| King George, - | 4610 | | |
| Stafford, - | 6719 | | |
| Lancaster, - | 3652 | 8496 | |
| Northumberland, - | 5844 | | |
| Mathews, - | 5545 | | |
| Middlesex, - | 3457 | 9002 | |
| Prince George, - | 5833 | | |
| Surry, - | 4687 | | |
| Richmond, - | 5637 | 10520 | |
| Westmoreland, - | 6657 | | |
| | | | |
| | | 12194 | |

PIEDMONT DISTRICT.

| ELECTION DISTRICTS. | Fed. popula. in each county. | Fed. popula. in district. | |
|---------------------|---------------------------------|------------------------------|--|
| Amelia, - - | 7042 } | 13059 | |
| Nottoway, - - | 6017 } | | |
| Cumberland, - - | 7219 } | 13284 | |
| Powhatan, - - | 6065 } | | |
| Greene, - - | 3720 } | 11418 | |
| Orange, - - | 7696 } | | |

VALLEY DISTRICT.

| ELECTION DISTRICTS. | Fed. popula. in each county. | Fed. popula. in district. | |
|---------------------|---------------------------------|------------------------------|--|
| Alleghany, - - | 3237 } | 6284 | |
| Bath, - - | 3047 } | | |
| Botetourt, - - | 13413 } | - | Including a part of Craig. |
| Craig, - - | - } | 13413 | Included in parts of Botetourt, Roanoke, Giles and Mercer. |

TRANS-ALLEGHANY DISTRICT.

| ELECTION DISTRICTS. | Fed. popula. in each county.. | Fed. popula. in district. | |
|---------------------|----------------------------------|------------------------------|--|
| Beane, - - | 3164 | 8359 | Including a part of Pleasants. |
| Wyoming, - - | 1610 | | |
| Logan, - - | 3585 | | |
| Braxton, - - | 4176 | 8110 | |
| Nicholas, - - | 3934 | | |
| Doddridge, - - | 2737 | 8120 | |
| Tyler, - - | 5383 | | |
| Fayette, - - | 3892 | 5648 | |
| Raleigh, - - | 1756 | | |
| Gilmer, - - | 3446 | 6786 | |
| Wirt, - - | 3340 | | |
| Lee, - - | 9952 | 19586 | Included in parts of Wood, Tyler and Ritchie. |
| Scott, - - | 9634 | | |
| Pleasants, - - | - | - | |
| Ritchie, - - | 3895 | 3895 | |
| Ohio, - - | 17940 | 27030 | |
| Brooke, - - | 5041 | | |
| Hancock, - - | 4049 | 21044 | |
| Russell, - - | 11526 | | |
| Tazewell, - - | 9518 | | |

In preparing these tables I have used materials drawn from a publication in the *National Intelligencer*, of the population, &c. of Virginia in 1850, purporting to have been prepared at the census bureau. That publication does not give separately the population, &c. of the towns and cities: they are included in the counties in which they are situated. I have added at the foot of one of the tables the population, &c. of Richmond, Norfolk and Petersburg, as ascertained by me from the schedules of the census of 1850, on file in the office of the secretary of the commonwealth.

All of which is respectfully submitted.

RO. JOHNSTON,
First Auditor.

Auditor's Office, Richmond, Feb. 2, 1852.

[DOC. No. XXXIII.]

VIRGINIA MILITARY INSTITUTE.

1852.

EXECUTIVE DEPARTMENT,
Feb. 4, 1852.

SIR,

I transmit herewith, for the information of the general assembly, the report of the superintendent of the Virginia military institute, of the semi-annual examination of the cadets in January last—together with a return of the cadets admitted into the institute since its commencement in 1839.

I have the honor to be,

Very respectfully,

Your ob't serv't,

JOS. JOHNSON.

*To the Speaker of the
House of Delegates.*

HEAD QUARTERS V. M. INSTITUTE,
January 15, 1852.

Gen. WM. H. RICHARDSON, *Adj't Gen'l.*

SIR,

I have the honor to communicate herewith the report of the semi-annual examination of the cadets of this institution—together with a return of the cadets admitted into the institute since its commencement in 1839, arranged according to the senatorial districts. I beg leave to state that the cadets have moved into the front building of the new barracks, and have derived great comfort from the improved arrangements therein provided.

I have the honor to be,

Very respectfully,

Your ob't serv't,

FRANCIS H. SMITH,
Sup't V. M. I.

Cadets Arranged in Order of Merit in their Respective Classes, as determined at the Semi-Annual Examination in January 1852.

FIRST CLASS.

| ENGINEERING. | RHETORIC. | NATURAL PHILOSOPHY. | INFANTRY TACTICS. |
|-------------------------|-------------------------|-------------------------|-----------------------|
| 1. W. O. Yager, - | 1. G. S. Patton, - | 1. J. E. Blankenship, - | 1. G. S. Patton. - |
| 2. J. E. Blankenship, - | 2. W. M. Gordon, - | 2. J. Mayo, - | 2. T. R. Thornton. |
| 3. G. S. Patton, - | 3. J. E. Blankenship, - | 3. W. M. Gordon, - | 3. W. M. Gordon. |
| 4. W. M. Gordon, - | 4. H. Whiting, - | 4. G. S. Patton, - | 4. J. C. Mayo. |
| 5. J. Mayo, - | 5. J. Mayo, - | 5. S. B. Gibbons, - | 5. W. O. Yager. |
| 6. S. B. Gibbons, - | 6. J. C. Mayo, - | 6. J. C. Mayo, - | 6. J. E. Blankenship. |
| 7. T. R. Thornton, - | 7. W. O. Yager, - | 7. H. Whiting, - | 7. J. Mayo. |
| 8. H. Whiting, - | 8. J. A. Walker, - | 8. W. O. Yager, - | 8. M. B. Manser. |
| 9. C. B. Williams, - | 9. M. P. Christian, - | 9. B. F. Hudgins, - | 9. H. Whiting. |
| 10. M. B. Manser, - | 10. C. T. Mason, - | 10. J. A. Walker, - | 10. T. T. Munford. |
| 11. J. G. Meem, - | 11. S. B. Gibbons, - | 11. C. T. Mason, - | 11. J. A. Walker. |
| 12. J. A. Walker, - | 12. J. C. Grayson, - | 12. J. C. Grayson, - | 12. S. B. Gibbons. |
| 13. M. P. Christian, - | 13. B. F. Hudgins, - | 13. T. R. Thornton, - | 13. C. T. Mason. |
| 14. W. Waller, - | 14. C. B. Williams, - | 14. M. P. Christian, - | 14. C. B. Williams. |
| 15. G. A. Goodman, - | 15. G. A. Goodman, - | 15. J. G. Meem, - | 15. M. P. Christian. |
| 16. B. F. Hudgins, - | 16. W. J. Preston, - | 16. M. B. Manser, - | 16. J. G. Meem. |
| 17. J. C. Grayson, - | 17. M. B. Manser, - | 17. C. B. Williams, - | 17. J. C. Grayson. |
| 18. C. T. Mason, - | 18. N. Harrison, - | 18. W. J. Preston, - | 18. J. V. Hall. |
| 19. J. V. Hall, - | 19. J. G. Meem, - | 19. J. L. Ashby, - | 19. B. F. Hudgins. |
| 20. T. T. Munford, - | 20. J. L. Ashby, - | 20. W. Waller, - | 20. G. A. Goodman. |
| 21. N. Harrison, - | 21. T. R. Thornton, - | 21. T. T. Munford, - | 21. N. Harrison. |
| 22. J. A. Thompson, - | 22. W. Waller, - | 22. N. Harrison, - | 22. W. J. Preston. |
| 23. J. C. Mayo, - | 23. T. T. Munford, - | 23. G. A. Goodman, - | 23. J. L. Ashby. |
| 24. W. J. Preston, - | 24. J. A. Thompson, - | 24. J. A. Thompson, - | 24. W. Waller. |
| 25. J. L. Ashby, - | 25. J. V. Hall, - | 25. J. V. Hall, - | 25. J. A. Thompson. |
| 26. M. F. Tutwiler, - | 26. M. F. Tutwiler, - | 26. M. F. Tutwiler, - | 26. M. F. Tutwiler. |

SECOND CLASS.

| MATHEMATICS. | CHEMISTRY. | LATIN. | DRAWING. |
|------------------------|------------------------|------------------------|----------------------|
| 1. J. T. Murfee, . | 1. J. T. Murfee, . | 1. W. Silvester, . | 1. J. T. Murfee. |
| 2. G. Smith, . | 2. T. G. Smith, . | 2. J. C. Ward, . | 2. W. Silvester. |
| 3. W. Silvester, . | 3. W. Silvester, . | 3. G. Smith, . | 3. J. D. Bruce. |
| 4. J. C. Ward, . | 4. P. S. Lewis, . | 4. W. F. Lee, . | 4. G. Chamberlaine. |
| 5. T. G. Smith, . | 5. J. C. Ward, . | 5. J. P. Hammet, . | 5. W. W. Williams. |
| 6. D. L. Louthier, . | 6. H. B. Armistead, . | 6. T. G. Smith, . | 6. W. Kemble. |
| 7. P. S. Lewis, . | 7. J. J. Phillips, . | 7. H. B. Armistead, . | 7. J. W. Cringan. |
| 8. F. Mallory, . | 8. W. W. Williams, . | 8. J. D. Bruce, . | 8. J. J. Phillips. |
| 9. J. L. White, . | 9. J. P. Hammet, . | 9. J. L. White, . | 9. D. L. Louthier. |
| 10. T. J. Moncure, . | 10. D. L. Louthier, . | 10. A. Morson, . | 10. J. A. Turner. |
| 11. J. J. Phillips, . | 11. J. D. Bruce, . | 11. G. Gray, . | 11. J. C. Ward. |
| 12. W. W. Williams, . | 12. J. W. Cringan, . | 12. J. J. Phillips, . | 12. W. F. Lee. |
| 13. J. D. Bruce, . | 13. G. Gray, . | 13. J. W. Cringan, . | 13. J. L. White. |
| 14. G. Chamberlaine, . | 14. J. L. White, . | 14. P. S. Lewis, . | 14. T. G. Smith. |
| 15. W. F. Lee, . | 15. G. Chamberlaine, . | 15. W. W. Williams, . | 15. G. Smith. |
| 16. W. Kemble, . | 16. J. R. Waddy, . | 16. T. S. Henry, . | 16. W. Jones. |
| 17. J. A. Turner, . | 17. J. A. Turner, . | 17. G. Chamberlaine, . | 17. T. J. Moncure. |
| 18. J. P. Hammet, . | 18. G. Smith, . | 18. J. T. Murfee, . | 18. P. S. Lewis. |
| 19. W. E. Arnold, . | 19. F. Mallory, . | 19. N. Hammond, . | 19. J. Lightner. |
| 20. A. Morson, . | 20. A. Morson, . | 20. F. Mallory, . | 20. J. R. Waddy. |
| 21. J. R. Waddy, . | 21. W. Jones, . | 21. J. Lightner, . | 21. A. Morson. |
| 22. N. Hammond, . | 22. J. Lightner, . | 22. W. Kemble, . | 22. G. Gray. |
| 23. G. Gray, . | 23. W. F. Lee, . | 23. W. E. Arnold, . | 23. J. P. Hammet. |
| 24. H. B. Armistead, . | 24. W. Kemble, . | 24. W. Jones, . | 24. F. Mallory. |
| 25. J. W. Cringan, . | 25. N. Hammond, . | 25. J. R. Waddy, . | 25. N. Hammond. |
| 26. J. Lightner, . | 26. T. S. Henry, . | 26. D. L. Louthier, . | 26. T. S. Henry. |
| 27. T. S. Henry, . | 27. W. E. Arnold, . | 27. J. A. Turner, . | 27. W. E. Arnold. |
| 28. W. Jones, . | 28. T. J. Moncure, . | 28. T. J. Moncure, . | 28. H. B. Armistead. |

THIRD CLASS.

| | | MATHEMATICS. | FRENCH. |
|--------------|-----|------------------------|----------------------|
| 1st Section, | - - | 1. C. Lightfoot, - | 1. C. Lightfoot. |
| " | - - | 2. W. S. Van Doren, - | 2. T. Blackburne. |
| " | - - | 3. C. E. Lauck, - | 3. J. L. Stephenson. |
| " | - - | 4. C. H. Riddick, - | 4. W. S. Van Doren. |
| " | - - | 5. A. Bruce, - | 5. R. W. Steger. |
| " | - - | 6. J. H. Harris, - | 6. A. Bruce. |
| " | - - | 7. G. B. Horner, - | 7. R. C. Taylor. |
| " | - - | 8. J. B. Strachan, - | 8. S. Crutchfield. |
| " | - - | 9. S. S. Malcolm, - | 9. J. H. Harris. |
| " | - - | 10. J. Miller, - | 10. C. E. Lauck. |
| " | - - | 11. A. Marks, - | 11. G. B. Horner. |
| 2d Section, | - - | 1. R. C. Taylor, - | 12. J. Carson. |
| " | - - | 2. J. L. Stephenson, - | 13. C. H. Riddick. |
| " | - - | 3. T. Blackburne, - | 14. W. B. Botts. |
| " | - - | 4. S. Crutchfield, - | 15. J. Miller. |
| " | - - | 5. J. W. Humes, - | 16. J. H. Lane. |
| " | - - | 6. J. H. Lane, - | 17. J. B. Strachan. |
| " | - - | 7. J. Carson, - | 18. S. S. Malcolm. |
| " | - - | 8. W. E. Harrison, - | 19. H. C. Mason. |
| " | - - | 9. H. C. Mason, - | 20. J. W. Humes. |
| " | - - | 10. W. B. Botts, - | 21. A. Marks. |
| " | - - | 11. W. Lovell, - | 22. J. W. Ashby. |
| " | - - | 12. J. W. Ashby, - | 23. W. E. Harrison. |
| " | - - | 13. R. W. Steger, - | 24. W. Lovell. |

FOURTH CLASS.

| MATHEMATICS. | GEOGRAPHY. | ENGLISH. |
|--|-------------------------|-----------------------|
| 1. L. B. Williams, - | 1. J. Wilson, - | 1. L. B. Williams. |
| 2. W. B. Bruce, - | 2. B. H. Todd, - | 2. G. G. Otey. |
| 3. W. C. Campbell, - | 3. E. Magruder, - | 3. B. H. Todd. |
| 4. E. Magruder, - | 4. E. Wallazz, - | 4. R. Gaines. |
| 5. H. W. Cox, - | 5. J. H. Waddill, - | 5. W. C. Campbell. |
| 6. B. H. Todd, - | 6. R. C. Allen, - | 6. E. C. Shepherd. |
| 7. E. J. Harvie, - | 7. E. C. Shepherd, - | 7. H. W. Cox. |
| 8. R. C. Allen, - | 8. W. E. Fife, - | 8. H. E. Coleman. |
| 9. R. A. Price, - | 9. J. M. Robinson, - | 9. W. B. Bruce. |
| 10. J. S. Cornick, - | 10. W. B. Bruce, - | 10. J. S. Cornick. |
| 11. J. Wilson, - | 11. A. B. Dudley, - | 11. A. B. Dudley. |
| 12. G. G. Otey, - | 12. G. G. Otey, - | 12. W. Robins. |
| 13. T. Barksdale, - | 13. W. A. Dupuy, - | 13. E. J. Harvie. |
| 14. J. H. Waddill, - | 14. E. J. Harvie, - | 14. J. M. Robinson. |
| 15. J. H. Irvine, - | 15. W. C. Campbell, - | 15. J. H. Waddill. |
| 16. W. A. Dupuy, - | 16. J. S. Timberlake, - | 16. E. Wallazz. |
| 17. W. Robins, - | 17. L. B. Williams, - | 17. E. B. Montague. |
| 18. E. Wallazz, - | 18. T. Barksdale, - | 18. E. Magruder. |
| 19. J. M. Robinson, - | 19. J. Davenport, - | 19. J. Davenport. |
| 20. R. Gaines, - | 20. R. A. Price, - | 20. J. Hubard. |
| 21. W. E. Fife, - | 21. W. H. Shields, - | 21. J. Wilson. |
| 22. H. E. Coleman, - | 22. H. W. Cox, - | 22. R. A. Price. |
| 23. E. B. Montague, - | 23. H. E. Coleman, - | 23. R. C. Allen. |
| 24. E. C. Shepherd, - | 24. R. Gaines, - | 24. A. L. Dearing. |
| 25. J. Davenport, - | 25. A. L. Dearing, - | 25. T. Barksdale. |
| 26. E. P. Q. Jones, - | 26. J. F. Ranson, - | 26. W. A. Dupuy. |
| 27. J. Hubard, - | 27. J. Hubard, - | 27. J. H. Irvine. |
| 28. T. Pannill, - | 28. W. Robins, - | 28. A. Reynolds. |
| 29. A. B. Dudley, - | 29. A. Reynolds, - | 29. J. F. Ranson. |
| 30. A. L. Dearing, - | 30. E. B. Montague, - | 30. W. E. Fife. |
| 31. P. Neal, - | 31. E. P. Q. Jones, - | 31. P. Neal. |
| 32. J. F. Ranson, - | 32. J. S. Cornick, - | 32. E. P. Q. Jones. |
| 33. A. Reynolds, - | 33. P. Neal, - | 33. T. Pannill. |
| 34. W. H. Shields, - | 34. J. H. Irvine, - | 34. W. H. Shields. |
| 35. J. S. Timberlake, - | 35. T. Pannill, - | 35. J. S. Timberlake. |
| 36. John Daniel—sick, not examined. | 36. J. Daniel. - | 36. J. Daniel. |

Roll of the Cadets, arranged according to Merit and Conduct, for the six months ending January 1st, 1852.

| Number. | NAMES. | COUNTIES. | Class. | Demerit. |
|---------|--------------------|-----------------|--------|----------|
| 1 | J. E. Blankenship, | Amelia, | 1 | 00 |
| 2 | M. P. Christian, | Campbell, | 1 | 00 |
| 3 | S. B. Gibbons, | Page, | 1 | 00 |
| 4 | W. M. Gordon, | Fauquier, | 1 | 00 |
| 5 | B. F. Hudgins, | Elizabeth City, | 1 | 00 |
| 6 | C. F. Mason, | King George, | 1 | 00 |
| 7 | J. Mayo, | Westmoreland, | 1 | 00 |
| 8 | J. Meem, | Campbell, | 1 | 00 |
| 9 | T. T. Munford, | Richmond city, | 1 | 00 |
| 10 | T. Thornton, | Caroline, | 1 | 00 |
| 11 | H. Whiting, | Hanover, | 1 | 00 |
| 12 | W. O. Yager, | Page, | 1 | 00 |
| 13 | G. Gray, | Culpeper, | 2 | 00 |
| 14 | T. S. Henry, | Charlotte, | 2 | 00 |
| 15 | W. Jones, | Fairfax, | 2 | 00 |
| 16 | P. Lewis, | Mason, | 2 | 00 |
| 17 | J. T. Murfee, | Southampton, | 2 | 00 |
| 18 | J. J. Phillips, | Nansemond, | 2 | 00 |
| 19 | W. Silvester, | Norfolk, | 2 | 00 |
| 20 | J. A. Turner, | King George, | 2 | 00 |
| 21 | J. R. Waddy, | Northampton, | 2 | 00 |
| 22 | J. S. White, | Washington, | 2 | 00 |
| 23 | W. Williams, | Norfolk, | 2 | 00 |
| 24 | G. B. Horner, | Fauquier, | 3 | 00 |
| 25 | W. S. Van Doren, | Berkeley, | 3 | 00 |
| 26 | T. Blackburne, | Jefferson, | 3 | 00 |
| 27 | W. B. Botta, | Spotsylvania, | 3 | 00 |
| 28 | R. P. Carson, | Washington, | 3 | 00 |
| 29 | J. W. Humes, | Washington, | 3 | 00 |
| 30 | J. H. Lane, | Mathews, | 3 | 00 |
| 31 | H. C. Mason, | Giles, | 3 | 00 |
| 32 | J. H. Stephenson, | Fauquier, | 3 | 00 |
| 33 | R. C. Taylor, | Norfolk, | 3 | 00 |
| 34 | E. Magruder, | Orange, | 4 | 00 |
| 35 | J. Waddill, | Angusta, | 4 | 00 |
| 36 | E. B. Montague, | Middlesex, | 4 | 00 |
| 37 | W. Campbell, | Roanoke, | 4 | 00 |
| 38 | A. S. Dearing, | Campbell, | 4 | 00 |
| 39 | J. C. Grayson, | Alexandria, | 1 | 00 |
| 40 | J. V. Hall, | Princeas Anne, | 1 | 6 |
| 41 | W. E. Fife, | Kanawha, | 4 | 6 |
| 42 | E. J. Harvie, | Amelia, | 4 | 8 |
| 43 | J. B. Strachan, | Petersburg, | 3 | 8 |
| 44 | J. Wilson, | Cumberland, | 4 | 8 |
| 45 | M. B. Manser, | Fayette, | 1 | 9 |
| 46 | C. Williams, | Culpeper, | 1 | 9 |
| 47 | J. W. Cringan, | Richmond city, | 2 | 10 |
| 48 | F. Mallory, | Elizabeth City, | 2 | 10 |
| 49 | T. J. Moncure, | Caroline, | 2 | 10 |
| 50 | G. Chamberlaine, | Norfolk, | 2 | 11 |
| 51 | J. P. Hammet, | Montgomery, | 2 | 11 |
| 52 | C. E. Lauck, | Frederick, | 3 | 11 |
| 53 | W. Harrison, | Loudoun, | 3 | 11 |
| 54 | R. C. Allen, | Bedford, | 4 | 11 |
| 55 | E. Wallazz, | Prince George, | 4 | 11 |
| 56 | G. S. Patton, | Richmond city, | 1 | 12 |
| 57 | G. G. Otey, | Campbell, | 4 | 12 |
| 58 | A. Reynolds, | Patrick, | 4 | 12 |
| 59 | W. A. Dupuy, | Dinwiddie, | 4 | 13 |

| Number. | NAMES. | COUNTIES. | Class. | Demerit |
|---------|-------------------|-----------------|--------|---------|
| 60 | N. Hammond, | Berkeley, | 2 | 15 |
| 61 | S. S. Malcolm, | Kanawha, | 3 | 15 |
| 62 | B. H. Todd, | Prince Edward, | 4 | 15 |
| 63 | J. Lightner, | Pocahontas, | 2 | 15 |
| 64 | J. A. Thompson, | Marshall, | 1 | 18 |
| 65 | W. E. Arnold, | Franklin, | 2 | 18 |
| 66 | J. D. Bruce, | Frederick, | 2 | 18 |
| 67 | T. Smith, | Norfolk, | 2 | 18 |
| 68 | M. F. Tutwiler, | Fluvanna, | 1 | 19 |
| 69 | W. B. Bruce, | Halifax, | 4 | 19 |
| 70 | G. A. Goodman, | Louisa, | 1 | 20 |
| 71 | J. A. Walker, | Augusta, | 1 | 21 |
| 72 | C. H. Riddick, | Nansemond, | 3 | 21 |
| 73 | J. W. Ashby, | Clarke, | 3 | 21 |
| 74 | J. S. Timberlake, | Warren, | 4 | 23 |
| 75 | C. Shepherd, | Jefferson, | 4 | 24 |
| 76 | N. Harrison, | Spotsylvania, | 1 | 25 |
| 77 | J. Miller, | Brooke, | 3 | 26 |
| 78 | J. Davenport, | Northumberland, | 4 | 28 |
| 79 | L. B. Williams, | Orange, | 4 | 30 |
| 80 | J. F. Ranson, | Jefferson, | 4 | 32 |
| 81 | W. Lovell, | Madison, | 3 | 32 |
| 82 | W. J. Preston, | Richmond city, | 1 | 35 |
| 83 | A. Bruce, | Halifax, | 3 | 36 |
| 84 | C. Lightfoot, | Culpeper, | 3 | 38 |
| 85 | T. Barksdale, | Halifax, | 4 | 42 |
| 86 | M. Robinson, | Richmond city, | 4 | 39 |
| 87 | A. B. Dudley, | King & Queen, | 4 | 42 |
| 88 | J. L. Ashby, | Clarke, | 1 | 44 |
| 89 | W. Waller, | Amherst, | 1 | 44 |
| 90 | W. F. Lee, | Alexandria, | 2 | 48 |
| 91 | R. W. Steger, | Amelia, | 3 | 49 |
| 92 | H. W. Cox, | Chesterfield, | 4 | 51 |
| 93 | John S. Daniel, | Prince Edward, | 4 | 51 |
| 94 | A. Marks, | Prince George, | 3 | 51 |
| 95 | J. C. Mayo, | Westmoreland, | 1 | 53 |
| 96 | P. Neal, | Wood, | 4 | 55 |
| 97 | J. S. Cornick, | Princess Anne, | 4 | 57 |
| 98 | E. P. Q. Jones, | Middlesex, | 4 | 58 |
| 99 | J. Harris, | Powhatan, | 3 | 63 |
| 100 | H. Armistead, | Fauquier, | 2 | 64 |
| 101 | J. H. Irvine, | Halifax, | 4 | 71 |
| 102 | H. E. Coleman, | Halifax, | 4 | 74 |
| 103 | J. C. Ward, | Campbell, | 2 | 75 |
| 104 | S. Crutchfield, | Spotsylvania, | 3 | 77 |
| 105 | J. Hubbard, | Buckingham, | 4 | 77 |
| 106 | D. L. Louther, | Lewis, | 2 | 77 |
| 107 | R. A. Price, | Albemarle, | 4 | 79 |
| 108 | W. H. Shields, | Bath, | 4 | 84 |
| 109 | W. Robins, | Gloucester, | 4 | 85 |
| 110 | G. H. Smith, | Fairfax, | 2 | 90 |
| 111 | W. Kemble, | Monongalia, | 2 | 93 |
| 112 | A. Morson, | Stafford, | 2 | 100 |
| 113 | R. Gaines, | Dinwiddie, | 4 | |
| 114 | T. Pannill, | | | |

Table exhibiting a List of Pay and State Cadets admitted into the Virginia Military Institute since its commencement, November 11, 1839.

[Names marked in *italics* are present during the year. Those marked (g) are graduates.]

| Districts. | COUNTIES. | PAY CADETS. | STATE CADETS. |
|------------|--|---|---|
| 1 | Accomack, Northampton, | Henry A. Wise, jr. - - - C. Smith, (g) P. W. Smith, (g) S. B. Jacobs, L. J. Nottingham, H. Kerr, E. Kerr, E. Nottingham, H. L. Shields, J. G. Gardner, R. Gatewood, (g) H. W. Fisher, J. H. Johnston, (g) T. G. Smith, W. W. Williams, G. Chamberlaine, R. E. Taylor. | R. Twiford. Isaac Robins. J. R. Waddy. |
| 2 | Norfolk city, | W. Silvester, - - - W. H. Burroughs, (g) G. G. Garrison, (g) A. Garrison, J. S. Cornick. | J. T. Smith. (g) H. W. Williamson. (g) |
| 3 | Norfolk County, Princess Anne, | A. D. Callcote, (g) - - - T. O. Benton, (g) W. R. Whitehead, (g) R. O. Whitehead, (g) R. H. Riddick, J. J. Phillips. | J. C. Council. (g) J. V. Hall. |
| 4 | Iale of Wight, Nansemond, | W. J. Ruffin. T. B. Eppes. | J. C. Wills, (g) A. B. Jordan. (g) |
| 5 | Surry, Sussex, Southampton, | W. Urquhart, W. H. Urquhart, (g) J. T. Butts. | W. Mahone. (g) |
| 6 | Greeneville, Petersburg, | T. Thorp, W. S. Moody. *J. L. Bryan, (g) J. W. Whitmore, J. B. Strachan, Thomas Pannill. | *J. L. Bryan. (g) |
| | Prince George, | R. H. Watkins, C. Ruffin, A. Marks, E. Wallazz. | |
| 7 | Dinwiddie, | L. Vaughan, W. A. Scott, J. G. Brodnax, (g) W. H. Pryor, (g) *A. G. Vaughan, (g) R. Brodnax, W. A. Dupuy. | C. A. Derby. (g) R. Gaines. |
| | Amelia, | A. W. Southall, R. W. Steger, E. J. Harvie. | J. C. Blankenship. |
| | Brunswick, | T. H. Meredith, D. W. Meredith, W. J. R. Gibben. | S. B. Pryor, A. H. Powell, (g) F. L. Bass. (g) |
| 8 | Powhatan, Cumberland, | J. S. Swann, E. C. Archer, J. H. Harris, H. T. Parish, (g) C. H. Harrison, (g) J. C. Page, (g) John Wilson. | C. A. Crump. |
| | Chesterfield, | H. W. Cox, - - - | W. J. Morrisett. (g) |
| 9 | Lunenburg, Nottoway, | C. Neblett. W. C. Jeffress, (g) - - - | O. M. Knight. (g) |
| 10 | Prince Edward, Mecklenburg, Charlotte, | B. H. Todd, J. S. Daniel. N. Alexander, W. M. Watkins, H. Carrington, jr. (g) A. Carrington, T. S. Henry. | J. L. Bacon. P. Bouldin. |
| 11 | Pittsylvania, | - - - | R. Terry, J. R. Cabell, (g) W. Terry, James Giles. (g) |
| 12 | Halifax, | E. C. Carrington, T. C. Reid, J. M. Grammar, R. Logan, (g) J. Clark, A. Bruce, W. B. Bruce, H. E. Coleman, J. H. Irvins. | T. J. Green, *A. J. Vaughan. (g) T. F. Barksdale. |
| 13 | Henry. Patrick, Franklin, | - - - | A. Reynolds. W. E. Arnold. |
| 14 | Bedford, | W. T. Taliaferro, S. S. Cook, - - - R. C. Radford, *N. H. Campbell, (g) J. S. Burks, (g) W. B. Terry, (g) J. W. Allen, (g) A. J. Irvine, R. D. Allen. | *N. H. Campbell, (g) E. Goode, (g) J. F. Williams. |

| Districts. | COUNTIES. | PAY CADETS. | STATE CADETS. |
|------------|---|---|---|
| 15 | Campbell, | H. Sumpter, V. Rodes, (g) C. Montgomerie, E. Murrill, D. Langhorne, (g) J. D. Saunders, G. North, J. M. Claytor, (g) R. E. Rodes, (g) S. Garland, (g) G. Waddell, J. T. B. Winfree, (g) J. F. Early, J. G. Meem, C. V. Winfree, (g) K. Otey, (g) J. C. Ward, A. S. Dearing, G. G. Otey. | S. T. Pendleton, (g) M. P. Christian. |
| 16 | Appomattox. Williamsburg. James City, Charles City, New Kent, York. Elizabeth City, | C. Carter, (g) W. F. Carter, - H. B. Christian. | J. A. Clarke. |
| | Warwick, | R. S. Archer, B. F. Hudgins, F. Malory. | A. Keaton. |
| 17 | Henrico, | W. H. Richardson, jr. (g) R. H. Sinton, (g) B. H. Harwood, G. Barker. | G. W. Robertson. (g) |
| | Hanover, | E. Taylor, Charles Cook, (g) - | W. W. Finney, (g) H. A. Whiting. |
| 18 | Richmond city, | J. S. Meredith, R. Mills, (g) J. E. Tyler, W. H. Harrison, C. R. Munford, T. B. Robertson, (g) J. M. Patton, jr. (g) W. C. Dunnavant, R. H. Keeling, (g) S. B. Jacobs, M. R. Cullen, D. Trueheart, (g) J. H. Poindexter, G. H. Ritchie, E. T. Bridges, (g) R. W. Harrison, C. Denby, (g) A. T. Harrison, W. I. Preston, A. F. Gooch, (g) J. G. Lumpkin, R. T. Daniel, jr. T. T. Munford, G. S. Patton, G. W. Cringan, J. M. Robinson. | W. Forbes, (g) W. H. Suth, (g) J. Lawson, (g) |
| 19 | Gloucester, | P. E. Tabb, W. Fauntleroy, T. W. Banks, W. T. Robins. | |
| | Matthews, Middlesex, | C. E. Yeatman, J. H. Lane. E. P. Q. Jones, - - - | P. A. Fitzhugh, (g) E. B. Montague. |
| 20 | Richmond, | J. M. Brockenbrough, (g) L. Brockenbrough. | W. H. Smith. |
| | Lancaster, Northumberland, | J. B. McCarty. J. Davenport, - - - | J. T. Sneed, *T. E. Upshaw, (g) |
| | Westmoreland, | T. S. Garnett, T. T. Washington, (g) J. C. Mayo, J. Mayo. | W. H. Wheelwright, (g) P. Beale, (g) |
| 21 | King & Queen, King William, Essex, | *T. E. Upshaw, (g) M. P. Todd, - R. T. Waring, *J. H. Pitts, (g) W. W. Gordon, (g) T. M. Burke, R. P. W. Garnett. | L. A. Garnett, A. B. Dudley. W. B. Littlepage, (g) *J. H. Pitts, (g) T. W. Cox, (g) |
| 22 | Caroline, | E. Taylor, (g) W. C. F. Battaile, W. L. Harrison, T. R. Thornton. | J. H. Lawrence, (g) T. S. Moncure. |
| | Spotsylvania, | H. T. Barton, (g) L. Botts, W. T. Browne, J. S. Rudd, N. Harrison, B. Herndon, S. Crutchfield. | W. B. Botts. |
| 23 | Stafford, | W. J. Green, (g) J. C. Moncure, (g) A. M. Green, J. F. Forbes, A. Morrison. | |
| | King George, | T. B. Baber, E. P. Tayloe, (g) C. T. Mason, A. Turner. | J. R. Benson. |
| | Prince William, | F. W. Henderson, R. Tyler, (g) N. H. Tyler, (g) D. Tyler. | J. B. Norville, (g) |

| <i>Districts.</i> | COUNTIES. | PAY CADETS. | STATE CADETS. |
|-------------------|--|--|--|
| 24 | Fairfax, | R. B. Washington, J. W. Smith, C. Bronaugh, M. Mason, <i>G. H. Smith, W. Jones.</i> | J. T. Moss, G. D. Chichester. |
| 25 | Alexandria, Loudoun, | W. A. Eliason, <i>(g)</i> J. C. Grayson, - W. H. Henderson, <i>(g)</i> J. W. Wildman, <i>(g)</i> N. Berkeley, <i>(g)</i> G. Rust, W. L. Powell, A. L. Rogers, <i>W. E. Harrison.</i> | <i>W. F. Lee.</i> V. Saunders, <i>(g)</i> S. Martin, D. L. Powell, <i>(g)</i> |
| 26 | Fauquier, Rappahannock, | F. W. Scott, J. A. Marshall, W. H. Payne, R. Ashby, J. R. Marshall, <i>(g)</i> H. Jennings, B. E. Curlette, T. D. Taliaferro, <i>H. B. Armistead, G. B. Horner, J. L. Stephenson.</i> J. Jett, J. P. Mason, <i>(g)</i> L. T. Meniffee, E. T. Fristoe, <i>(g)</i> | W. Bowen, J. Q. Marr, <i>(g)</i> <i>W. M. Gordon.</i> Geo. E. Roberts. |
| 27 | Madison, Greene. Culpeper, | J. P. Welch, <i>(g)</i> W. M. Booton, <i>(g)</i> R. T. Lovell, <i>Wm. Lovell.</i> B. J. Nalle, J. E. Slaughter, J. Winston, J. C. Wharton, <i>(g)</i> E. Barbour, E. C. Thompson, <i>C. E. Lightfoot.</i> | J. A. Jamieson, <i>(g)</i> J. C. Porter, <i>(g)</i> <i>G. Gray.</i> |
| 28 | Orange, Albemarle, | E. Macon, J. Madison, B. Elliott, <i>(g)</i> <i>E. Magruder, L. B. Williams, jr.</i> C. Carter, M. McKennie, <i>(g)</i> R. L. Walker, <i>(g)</i> T. O. Rogers, S. Hart, W. H. Southall, B. Ficklin, <i>(g)</i> R. Pollard, <i>(g)</i> A. L. Rives, <i>(g)</i> Wm. Morris, H. Gantt, <i>(g)</i> H. R. Pollard, <i>R. A. Price.</i> | R. T. Duke, <i>(g)</i> <i>G. A. Goodman.</i> |
| 29 | Louisa, Goochland, Fluvanna, | G. F. Dabney, C. S. Jones. W. R. Fleming, - - - P. J. Winn, M. F. Tutwiler, J. B. Shepherd. | G. W. Goodman. J. B. Strange, <i>(g)</i> |
| 30 | Nelson, Amherst, Buckingham, | J. H. Estis, <i>(g)</i> J. S. Pendleton, E. Winston, <i>(g)</i> G. Coleman, S. Pleasants, G. Pleasants, <i>W. W. Waller, R. F. W. Morris, (g)</i> D. Patteson. <i>Jas. Hubbard, - - -</i> | W. D. Fair, <i>(g)</i> J. T. Ellis, <i>(g)</i> W. M. Elliott, <i>(g)</i> H. B. Hill, <i>(g)</i> |
| 31 | Jefferson, Berkeley, | St. George Hunter, J. T. B. Hunter, H. C. Hunter, C. Willis, F. Lackland, <i>(g)</i> J. T. Thompson, A. R. Ranson, <i>(g)</i> J. W. Glenn, P. T. Hite, R. Willis, J. F. M. Ranson, <i>T. Blackburne.</i> R. E. Colston, <i>(g)</i> C. Baker, N. Hammond, W. Van Doren, R. T. Colston, D. H. Kennedy. J. B. Sherrard, <i>(g)</i> | J. Jones, <i>(g)</i> C. D. Rice, <i>(g)</i> <i>E. C. Shepherd.</i> G. A. Potterfield, <i>(g)</i> |
| 32 | Hampshire, Hardy, | - - - - - - - - - - | J. S. Gamble, <i>(g)</i> P. C. Gibbs, <i>(g)</i> |
| 33 | Morgan, Frederick, | W. H. Baker, <i>(g)</i> G. W. Bruce, <i>(g)</i> W. S. Sherrard, F. B. Jones, <i>(g)</i> E. G. Wall, <i>(g)</i> W. Byrd, <i>(g)</i> R. Milton, B. B. Washington, J. D. Bruce. J. Y. Page, <i>(g)</i> W. M. Nelson, <i>(g)</i> I. P. Hopkins, T. H. Carter, <i>(g)</i> R. R. Smith, G. W. Lewis, E. P. Williams, <i>James S. Ashby, J. W. Ashby.</i> James Marshall, <i>(g)</i> J. S. Timberlake, W. S. Beale, <i>(g)</i> D. S. Lee, - W. Marye, G. Jordan, <i>(g)</i> N. W. Yager, <i>S. Gibbons.</i> | H. T. Lee, <i>(g)</i> T. J. B. Cramer, <i>(g)</i> C. E. Lauck. |
| 34 | Clarke, Warren, Shenandoah, Page, | - | R. H. Simpson, <i>(g)</i> J. W. Jones. H. A. Strickler. |

| Districts. | COUNTIES. | PAY CADETS. | STATE CADETS. |
|------------|--|---|--|
| 35 | Rockingham, | R. A. Gray,(g) B. Chrisman,(g) J. W. Smith. | J. Kenney, J. R. Jones,(g) C. B. Williams, jr. |
| 36 | Pendleton, Augusta, | J. Bell,(g) B. Estill, W. J. Warden,(g) N. Kinney, J. L. Peyton, W. Kinney, V. Churchman,(g) B. G. Baldwin,(g) J. W. Warden, J. W. Baldwin, J. W. Massie,(g) S. P. Thompson,(g) T. L. Harman, J. Wabker, A. N. Breckenridge. | J. B. Moorman,(g) W. D. Stuart,(g) J. H. Waddill. |
| 37 | Bath, Highland. Rockbridge, | G. P. Terrill,(g) J. W. Byrd, W. D. Ervin. J. S. Logan, A. McCorkle, J. B. Dorman,(g) J. Echols, J. G. Paxton, A. J. Hamilton, W. A. Ruff, H. C. Reid, W. C. Leyburn,(g) J. M'Bride, J. Cummings, W. Taylor, J. G. Paxton,(g) *W. A. Harris,(g) D. Campbell. | W. H. Shields. W. Downes,(g) *W. A. Harris.(g) |
| 38 | Botetourt, Alleghany, Roanoke, | E. Anthony,(g) R. Wiley,(g) R. H. Burks, J. P. Bowyer, R. H. Paxton. J. F. Jordan, *A. C. Layne, G. W. Williams,(g) A. D. Pitzer, J. W. Tayloe, T. E. Lewis, J. W. Neal. | E. Pendleton,(g) R. Ross, R. S. Burks.(g) *A. C. Layne. Wm. C. Campbell. |
| 39 | Craig. Carroll. Floyd. Grayson. Montgomery, Pulaski. | J. Kent, R. C. Trigg, D. Edmundson, | C. P. Dyerle.(g) |
| 40 | Mercer. Monroe, Giles, Tazewell. | O. F. Beirne, G. H. Caperton.(g) | J. A. Pack, H. C. Mason. |
| 41 | Smyth. Wythe, Washington, | D. C. Kent, - - - A. C. Cummings,(g) J. T. Preston, J. C. Greenway, J. L. White, J. W. Humes. | H. B. Smyth,(g) J. F. Mays. J. A. Campbell.(g) W. Y. C. Humes.(g) R. P. Carson. |
| 42 | Scott. Lee, Russell. | - - - | B. Sharpe. |
| 43 | Boone. Logan. Kanawha, | A. D. Lewis, R. A. Thompson, F. A. Lovell, W. E. Fife. | D. Chilton, B. D. Fry, R. A. Thompson, S. S. Malcolm. |
| 44 | Putnam. Wyoming. Nicholas. Fayette, Pocahontas, Raleigh. Braxton. Greenbrier, | M. B. Manser, - - - J. M. Lightner. R. B. Moorman, C. W. Cary,(g) A. Piercy. J. H. Steenbergen,(g) P. S. Lewis. | J. B. Hamilton. J. M. Cary,(g) J. W. Stalnaker, C. Norvell. |
| 45 | Mason, Jackson. Cabell. Wayne. Wirt. | | |
| 46 | Ritchie. Doddridge, | - - - | J. F. Henderson. |

| Districts. | COUNTIES. | PAY CADETS. | | | | STATE CADETS. | |
|------------|-------------|------------------|---|---|---|---------------------------|-----------------|
| | | | | | | | |
| 47 | Harrison, | - | - | - | - | C. Boggess, (g) | P. B. Adams.(g) |
| | Pleasants. | - | - | - | - | R. C. Stephenson, P. Neal | |
| | Wood, | J. A. Thompson, | - | - | - | A. C. Cockayne, A. C. | |
| | Wetzel. | | | | | Jones.(g) | |
| 48 | Marion. | | | | | | |
| | Tyler. | | | | | | |
| | Upshur. | | | | | | |
| | Barbour. | | | | | | |
| 49 | Lewis. | - | - | - | - | D. S. Souther. | |
| | Gilmer. | | | | | | |
| | Randolph. | J. H. McPherson, | - | - | - | W. Kemble. | |
| | Monongalia, | - | - | - | - | S. M. Green.(g) | |
| 50 | Preston, | | | | | | |
| | Taylor. | - | - | - | - | J. Miller. | |
| | Bruke. | | | | | | |
| | Hancock. | | | | | | |
| | Ohio. | J. A. Ellison, | - | - | - | J. B. Clemens.(g) | |

31

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4

[DOC. No. XXXIV.]

STATEMENT

SHewing THE

CONGRESSIONAL DISTRICTS

FORMED

UNDER CENSUS OF 1840,

WITH THE

FEDERAL NUMBERS OF SAID DISTRICTS.

1852.

AUDITOR'S OFFICE,
RICHMOND, Feb. 5, 1852.

SIR,

I have the honor of sending you herewith "A statement shewing the congressional districts formed under the census of 1840, with the federal numbers of said districts according to that census—prepared in compliance with a resolution of the house of delegates, adopted on the 30th January 1852."

I am, with high respect,

Your obedient servant,

RO. JOHNSTON,
First Auditor.

*To the Hon. O. M. CRUTCHFIELD,
Speaker of the House of Delegates.*

A Statement shewing the Congressional Districts, formed under the Census of 1840, with the Federal Numbers of said Districts according to that Census; prepared in compliance with a Resolution of the House of Delegates, adopted the 30th January 1852.

FIRST DISTRICT.

| | | | | | | |
|-----------------|---|---|---|---|--------|--------|
| Ile of Wight, | - | - | - | - | 8,457 | |
| Nansemond, | - | - | - | - | 8,983 | |
| Princess Anne, | - | - | - | - | 6,060 | |
| Sussex, | - | - | - | - | 8,495 | |
| Surry, | - | - | - | - | 5,339 | |
| Southampton, | - | - | - | - | 11,903 | |
| Norfolk county, | - | - | - | - | 14,338 | |
| Norfolk city, | - | - | - | - | 9,337 | |
| | | | | | <hr/> | 72,903 |

SECOND DISTRICT.

| | | | | | | |
|---------------------|---|---|---|---|--------|--------|
| Nottoway, | - | - | - | - | 6,890 | |
| Greeneville, | - | - | - | - | 4,645 | |
| Mecklenburg, | - | - | - | - | 15,958 | |
| Brunswick, | - | - | - | - | 10,824 | |
| Amelia, | - | - | - | - | 7,511 | |
| Dinwiddie, | - | - | - | - | 8,898 | |
| Prince George, | - | - | - | - | 5,570 | |
| Town of Petersburg, | - | - | - | - | 9,681 | |
| | | | | | <hr/> | 63,977 |

THIRD DISTRICT.

| | | | | | | |
|---------------|---|---|---|---|--------|--------|
| Pittsylvania, | - | - | - | - | 21,775 | |
| Henry, | - | - | - | - | 6,194 | |
| Patrick, | - | - | - | - | 7,296 | |
| Franklin, | - | - | - | - | 13,769 | |
| Halifax, | - | - | - | - | 20,249 | |
| | | | | | <hr/> | 69,283 |

FOURTH DISTRICT.

| | | | | | | |
|----------------|---|---|---|---|--------|--------|
| Campbell, | - | - | - | - | 17,012 | |
| Buckingham, | - | - | - | - | 14,381 | |
| Appomattox.(a) | - | - | - | - | | |
| Charlotte, | - | - | - | - | 10,891 | |
| Prince Edward, | - | - | - | - | 10,638 | |
| Cumberland, | - | - | - | - | 7,686 | |
| Fluvanna, | - | - | - | - | 7,153 | |
| Lunenburg, | - | - | - | - | 8,372 | |
| | | | | | <hr/> | 76,130 |

FIFTH DISTRICT.

| | | | | | | |
|------------|---|---|---|---|--------|--------|
| Albemarle, | - | - | - | - | 18,201 | |
| Nelson, | - | - | - | - | 9,900 | |
| Bedford, | - | - | - | - | 16,658 | |
| Greene, | - | - | - | - | 3,536 | |
| Orange, | - | - | - | - | 6,980 | |
| Amherst, | - | - | - | - | 10,285 | |
| Madison, | - | - | - | - | 6,384 | |
| | | | | | <hr/> | 71,934 |

SIXTH DISTRICT.

| | | | | | | |
|-------------------|---|---|---|---|--------|--------|
| Henrico, | . | . | . | . | 10,632 | |
| Chesterfield, | . | . | . | . | 13,667 | |
| Powhatan, | . | . | . | . | 5,873 | |
| Hanover, | . | . | . | . | 11,611 | |
| Louisa, | . | . | . | . | 11,829 | |
| Goochland, | . | . | . | . | 7,560 | |
| City of Richmond, | . | . | . | . | 17,149 | |
| | | | | | <hr/> | 78,321 |

SEVENTH DISTRICT.

| | | | | | | |
|--------------------------|---|---|---|---|--------|--------|
| York, | . | . | . | . | 3,875 | |
| Accomack, | . | . | . | . | 15,244 | |
| Northampton, | . | . | . | . | 6,267 | |
| Elizabeth City, | . | . | . | . | 3,023 | |
| Warwick, | . | . | . | . | 1,123 | |
| James City, | . | . | . | . | 3,000 | |
| New Kent, | . | . | . | . | 4,876 | |
| Charles City, | . | . | . | . | 3,801 | |
| Mathews, | . | . | . | . | 6,119 | |
| Gloucester, | . | . | . | . | 8,438 | |
| Lancaster, | . | . | . | . | 3,637 | |
| Northumberland, | . | . | . | . | 6,627 | |
| City of Williamsburg.(b) | . | . | . | . | | |
| | | | | | <hr/> | 66,030 |

EIGHTH DISTRICT.

| | | | | | | |
|------------------|---|---|---|---|--------|--------|
| Essex, | . | . | . | . | 8,606 | |
| Middlesex, | . | . | . | . | 3,508 | |
| King & Queen, | . | . | . | . | 8,488 | |
| Westmoreland, | . | . | . | . | 6,583 | |
| Caroline, | . | . | . | . | 13,688 | |
| Spotsylvania, | . | . | . | . | 12,125 | |
| King George, | . | . | . | . | 4,574 | |
| King William, | . | . | . | . | 6,946 | |
| Richmond county, | . | . | . | . | 5,020 | |
| | | | | | <hr/> | 69,538 |

NINTH DISTRICT.

| | | | | | | |
|-----------------|---|---|---|---|--------|--------|
| Fauquier, | . | . | . | . | 17,614 | |
| Stafford, | . | . | . | . | 7,015 | |
| Rappahannock, | . | . | . | . | 7,792 | |
| Prince William, | . | . | . | . | 7,037 | |
| Fairfax, | . | . | . | . | 7,969 | |
| Loudoun, | . | . | . | . | 18,322 | |
| Alexandria.(c) | . | . | . | . | | |
| Culpeper, | . | . | . | . | 8,966 | |
| | | | | | <hr/> | 74,736 |

TENTH DISTRICT.

| | | | | | | |
|------------|---|---|---|---|--------|--------|
| Frederick, | . | . | . | . | 13,321 | |
| Hampshire, | . | . | . | . | 11,734 | |
| Morgan, | . | . | . | . | 4,200 | |
| Berkeley, | . | . | . | . | 10,204 | |
| Jefferson, | . | . | . | . | 12,419 | |
| Clarke, | . | . | . | . | 5,023 | |
| Warren, | . | . | . | . | 5,054 | |
| Page, | . | . | . | . | 5,881 | |
| | | | | | <hr/> | 67,836 |

ELEVENTH DISTRICT.

| | | | | | |
|-------------|---|---|---|---|--------|
| Rockingham, | . | . | . | . | 16,584 |
| Hardy, | . | . | . | . | 7,169 |
| Pendleton, | . | . | . | . | 6,755 |
| Rockbridge, | . | . | . | . | 12,880 |
| Augusta, | . | . | . | . | 17,974 |
| Shenandoah, | . | . | . | . | 11,205 |

72,507

TWELFTH DISTRICT.

| | | | | | |
|--------------|---|---|---|---|--------|
| Monroe, | . | . | . | . | 8,075 |
| Botetourt, | . | . | . | . | 10,509 |
| Roanoke, | . | . | . | . | 4,678 |
| Montgomery, | . | . | . | . | 6,808 |
| Pulaski, | . | . | . | . | 3,358 |
| Floyd, | . | . | . | . | 4,324 |
| Giles, | . | . | . | . | 5,078 |
| Mercer, | . | . | . | . | 2,194 |
| Greenbrier, | . | . | . | . | 8,209 |
| Pocahontas, | . | . | . | . | 2,835 |
| Legan, | . | . | . | . | 4,249 |
| Boone.(d) | . | . | . | . | |
| Bath, | . | . | . | . | 3,881 |
| Highland.(e) | . | . | . | . | |
| Alleghany, | . | . | . | . | 2,830 |
| Craig.(f) | . | . | . | . | |
| Wyoming.(g) | . | . | . | . | |

66,908

THIRTEENTH DISTRICT.

| | | | | | |
|-------------|---|---|---|---|--------|
| Washington, | . | . | . | . | 12,178 |
| Lee, | . | . | . | . | 8,209 |
| Scott, | . | . | . | . | 7,166 |
| Russell, | . | . | . | . | 7,598 |
| Smyth, | . | . | . | . | 6,187 |
| Wythe, | . | . | . | . | 8,728 |
| Grayson, | . | . | . | . | 8,880 |
| Carroll.(h) | . | . | . | . | |
| Tazewell, | . | . | . | . | 5,975 |

64,934

FOURTEENTH DISTRICT.

| | | | | | |
|-----------------------|---|---|---|---|--------|
| Kanawha, | . | . | . | . | 12,543 |
| Putnam.(i) | . | . | . | . | |
| Jackson, | . | . | . | . | 4,855 |
| Mason, | . | . | . | . | 6,454 |
| Cabell, | . | . | . | . | 7,936 |
| Wayne.(j) | . | . | . | . | |
| Lewis, | . | . | . | . | 8,102 |
| Harrison, | . | . | . | . | 17,392 |
| Braxton, | . | . | . | . | 2,550 |
| Gilmer.(k) | . | . | . | . | |
| Wood, | . | . | . | . | 7,674 |
| Wirt.(l) | . | . | . | . | |
| Fayette, | . | . | . | . | 3,871 |
| Nicholas, | . | . | . | . | 2,480 |
| Ritchie.(m) | . | . | . | . | |
| Barbour in part.(n) | . | . | . | . | |
| Taylor in part.(o) | . | . | . | . | |
| Doddridge in part.(p) | . | . | . | . | |
| Upshur.(q) | . | . | . | . | |
| Pleasants in part.(r) | . | . | . | . | |
| Raleigh.(s) | . | . | . | . | |

73,863

FIFTEENTH DISTRICT.

| | | | | | |
|----------------------------|---|---|---|---|-----------------------|
| Monongalia, | - | - | - | - | 17,864 |
| Brooke, | - | - | - | - | 7,911 |
| Hancock.(t) | - | - | - | - | |
| Ohio, | - | - | - | - | 13,272 |
| Marshall, | - | - | - | - | 6,918 |
| Tyler, | - | - | - | - | 6,920 |
| Wetzel.(u.) | - | - | - | - | |
| Marion.(v) | - | - | - | - | |
| Randolph, | - | - | - | - | 6,121 |
| Preston, | - | - | - | - | 6,829 |
| Barbour in part.(w) | | | | | |
| Taylor in part.(x) | | | | | |
| Doddridge in part.(y) | | | | | |
| Pleasants in part.(z) | | | | | |
| | | | | | <hr/> 65,236 |
| Total federal number 1840, | - | - | - | - | <hr/> 1,060,202 <hr/> |

RO. JOHNSTON,
First Auditor.

Auditor's Office, 4th February 1852.

NOTES.

- (a).—Appomattox created in 1845, out of Buckingham, Charlotte, Campbell and Prince Edward.
- (b).—Williamsburg included in James City and York.
- (c).—Alexandria retroceded to Virginia, 1847.
- (d).—Bacone created in 1847, out of Cabell, Kanawha and Logan.
- (e).—Highland created in 1847, out of Bath and Pendleton.
- (f).—Craig created in 1851, out of Botetourt, Giles, Monroe and Roanoke.
- (g).—Wyoming created in 1850, out of Logan.
- (h).—Carroll created in 1842, out of Grayson.
- (i).—Putnam created in 1842, out of Cabell, Kanawha and Mason.
- (j).—Wayne created in 1842, out of Cabell.
- (k).—Gillmer created in 1845, out of Lewis and Kanawha.
- (l).—Wirt created in 1846, out of Jackson and Wood.
- (m).—Ritchie created in 1843, out of Harrison, Lewis and Wood.
- (n).—Barbour created in 1843, out of Harrison, Lewis and Randolph.
- (o).—Taylor created in 1844, out of Barbour, Harrison and Marion.
- (p).—Doddridge created in 1845, out of Harrison, Lewis, Ritchie and Tyler.
- (q).—Cushing created in 1851, out of Barbour, Lewis and Randolph.
- (r).—Pleasants created in 1851, out of Ritchie, Tyler and Wood.
- (s).—Haleigh created in 1850, out of Fayette.
- (t).—Hancock created in 1848, from Brooke.
- (u).—Wetzel created in 1846, from Tyler.
- (v).—Marion created in 1842, out of Harrison and Monongalia.
- (w).—Barbour created in 1843, out of Harrison, Lewis and Randolph.
- (x).—Taylor created in 1844, out of Barbour, Harrison and Marion.
- (y).—See note (p.)
- (z).—See note (r.)

[DOC. No. XXXV.]

SUPPLEMENTARY REPORT

OF

THE BOARD OF VISITORS

OF THE

VIRGINIA MILITARY INSTITUTE.

1852.

EXECUTIVE DEPARTMENT,
February 6, 1852.

To the General Assembly of Virginia.

I have the honor to transmit herewith the supplementary report of the "board of visitors of the Military institute," and to recommend to your favorable consideration the several important suggestions contained therein.

The increasing importance and popularity of this institution entitle it to the fostering care of the legislature.

Very respectfully,

Your ob't serv't,

JOS. JOHNSON.

RICHMOND, Feb. 5th, 1852.

His Excellency JOSEPH JOHNSON.

SIR,

The board of visitors of the Virginia military institute would beg leave respectfully to report, that at their annual meeting in July last they deemed it advisable, in consequence of anticipated changes in the organic law of the state, to adjourn to meet in Richmond at some early period after the new constitution should go into effect. They have just finished this special session, and respectfully lay before you such recommendations as in their judgment are necessary to the well being of the institution committed to their charge, and conducive to the great cause of education in the commonwealth. To carry out the views of the legislature, as are set forth in the act of March 7, 1848, the board will be required in July next to appoint one state cadet from each senatorial district. These districts have been expanded from 32 to 50, thus requiring the appointment of 18 cadets at state cost, over and above the number authorized under the old constitution. To carry out this system, the wisdom and justice of which this board cannot too highly approve, and to relieve the superintendent from his professional duties, as recommended in their July report, there will be required an additional annual appropriation of about \$5,000, thus making the total annual appropriation to the Virginia military institute, and for the education of 50 state cadets, only \$14,000, a sum little more than double that required for the maintenance of the former state guard at the Lexington arsenal.

To provide for the accommodation of these additional state cadets, and at the same time to meet the demands of our citizens who desire admission for their sons by paying their expenses, the board would recommend the erection of wings to the buildings just completed—for which purpose an appropriation of \$16,000 is required. This sum, together with the sum of \$14,000, necessary to pay the cost of the improved heating and lighting arrangements estimated in their July report, will make the total amount required \$30,000. In these estimates the board have considered the propriety of fixing a limit to the accommodations at the institute, and have judged that it might be judiciously conducted with 50 state and 150 to 170 pay cadets—in all 220 cadets. Beyond this limit it is not deemed advisable to extend; for the board is satisfied that it will be better to maintain the school upon its present thorough discipline and instruction, rather than indefinitely increase it, to the injury of both. Their estimates are therefore based upon the ultimate wants of the institute for cadets' quarters.

In all the improvements carried on, the board have adhered rigidly to the rule adopted at the commencement of the institution, to complete whatever was undertaken with the means at their command. The law of 1849 appropriated \$30,000 for the erection of the new barracks. The front building, *complete* in itself, has been erected for this sum, and presents an edifice which our late chief magistrate con-

sidered worth double its cost. In the design of the architect the plan was so arranged that wings might be added, and thus add to the symmetry of the whole. These wings it is now proposed to build, and it is hoped it will be the pleasure of the legislature to enable the board to do so.

Considering the new sphere of duties devolving upon the chairs of natural philosophy and chemistry, the board feel that it is desirable to enlarge the philosophical and chemical apparatus, and particularly so from the fact that heavy drafts are now being made upon the professor of chemistry by the farmers of the state for the analysis of their soils. The board are solicitous to afford every facility for the agriculturalist within the means of the institute, and it is on this account that they have modified the estimate in their July report, to provide rooms for chemical manipulation.

We have the honor to be,

Very respectfully,

Your obedient servants,

PHILIP ST. GEO. COCKE,
President B. V.
WM. H. RICHARDSON,
DOUGLAS B. LAYNE,
ROBERT W. BAYLOR,
GEO. BLOW, JR.,
P. H. AYLETT.

[DOC. No. XXXVI.]

STATEMENT

OF

THE STATE STOCK

ISSUED SINCE ADJOURNMENT

OF

THE LAST LEGISLATURE.

1852.

SECOND AUDITOR'S OFFICE,
5th February 1852.

SIR,

In compliance with a resolution of the house of delegates of the 3d instant, calling for certain information respecting state stock sold since the adjournment of the last legislature, I have the honor to make the accompanying statement.

With great respect,

Your ob't servant,

J. BROWN, JR.
Second Auditor.

*To the Honorable the Speaker
of the House of Delegates.*

STATEMENT

Of State Stock issued from the 31st March 1851, when the last legislature adjourned, to the 5th February 1852, inclusive.

| | | |
|---|---|--------------------|
| 1. Amount of registered certificates transferable in person or by power of attorney, sold almost without exception, to citizens of Virginia, | - | 631,585 |
| \$251,625 of the above amount was sold at par. | | |
| 116,400 at various prices, averaging 1.73 per cent. premium. | | |
| 263,560 at 3 per cent. premium. | | |
| Sales at the latter rate commenced on the 26th July 1851, and have been continued until the present day. | | |
| 2. Amount of coupon bonds sold and delivered to Messrs. Selden, Withers & Co. of Washington city, since the 12th July 1851, the date of the first delivery, up to this day, | - | 1,943,000 |
| Total sales since 31st March 1851, | - | <u>\$2,574,585</u> |
| \$1,000,000 of this was sold at par. | | |
| 943,000, at a premium of 2 per cent. | | |

The contract with Messrs. Selden, Withers & Co. is for *four millions*. There now remains to be delivered at such periods as the Board of public works may require, and at the premium of two per cent., the further sum of \$2,057,000.

The coupon bonds are made payable to bearer, and are of course transferable by mere delivery like a bank note. There is no information in possession of the Board of public works shewing to whom, at what rates, or in what markets the bonds delivered to Messrs. Selden, Withers & Co. were sold by them.

E E.

J. BROWN, Jr.
Second Auditor.

Second Auditor's Office,
5th February, 1852.

[DOC. No. XXXVII.]

LIST

OF

COMMISSIONERS IN OTHER STATES,

AND IN THE

DISTRICT OF COLUMBIA,

APPOINTED BY THE EXECUTIVE,

AND

STILL HOLDING OFFICE,

WITH

RESIDENCE AND DATE OF APPOINTMENT.

1852.

EXECUTIVE DEPARTMENT,
February 10, 1852.

To the General Assembly of Virginia.

GENTLEMEN,

I communicate herewith, as required by law, a list of all commissioners in other states and in the District of Columbia, appointed by the Executive of Virginia, and who appear to be still holding office, with the date of appointment and residence of each commissioner.

I have the honor to be,

Very respectfully,

Your ob't serv't,

JOS. JOHNSON.

A LIST OF COMMISSIONERS

In other States and in the District of Columbia, appointed by the Executive of Virginia, and appearing to be in Office on the 10th day of February 1852, with the Residence and Date of Appointment of each Commissioner.

| State. | Name of Commissioner. | Date of Appointment | Residence. |
|--------------|--------------------------|---------------------|--------------------------|
| Alabama, | Thomas A. Hamilton, | March 28, 1845, | Mobile. |
| " | George Conway, | Feb. 28, 1848, | " |
| " | Robert B. Armistead, | Oct. 16, 1849, | " |
| " | William M. Brooks, | Aug. 19, 1846 | Dayton. |
| " | William Garrett, | Nov. 13, 1845, | Tuscaloosa. |
| " | James T. Hill, | Oct. 9, 1845, | Livingston. |
| " | Charles A. T. Price, | Feb. 16, 1847, | Montgomery. |
| " | Thomas Harrison, | Nov. 26, 1850, | " |
| " | G. Garrett, | March 2, 1850, | Summerfield. |
| Arkansas, | William W. Floyd, | June 3, 1851, | Clarksville. |
| California, | Richard A. Maupin, | Jan. 9, 1849, | San Francisco. |
| " | S. Woodson Venable, | Aug. 9, 1849, | " |
| " | Thomas N. Caznean, | March 16, 1850, | " |
| " | George J. Whelan, | July 1, 1850, | " |
| " | Cameron Erskine Thom, | July 1, 1850, | Sacramento city. |
| " | William L. Higgins, | July 19, 1850, | " |
| " | Micajah D. Wilson, | April 11, 1849, | Probably San Francisco. |
| " | John W. Shore, | Sept. 18, 1849, | " |
| Connecticut, | John T. Wait, | May 26, 1847, | Norwich, New London co. |
| Delaware, | William B. Wiggins, | July 2, 1850, | Wilmington. |
| Florida, | George W. Hutchins, | June 12, 1847, | Tallahassee. |
| " | J. McRobert Baker, | Dec. 1, 1849, | Jacksonville, E. F. |
| Georgia, | David Reid, | Dec. 23, 1847, | Macon. |
| " | William R. McLaws, | May 27, 1850, | Angusta. |
| " | William W. Arnold, | Dec. 15, 1851, | Pike county. |
| Illinois, | Ephraim S. Seymour, | May 18, 1847, | Galena. |
| " | Henry A. Clark, | Feb. 16, 1848, | Chicago. |
| " | Edwin C. Larned, | March 18, 1850, | " |
| " | O. R. W. Lull, | July 22, 1851, | " |
| " | Joseph P. Clarkson, | Nov. 8, 1851, | " |
| " | John W. Wills, | Sept. 12, 1851, | Peoria. |
| Indiana, | Joseph B. Cornelius, | March 7, 1849, | Rockville, Parke county. |
| " | William F. Day, | Sept. 13, 1850, | Fort Wayne. |
| Iowa, | William Joshua Barney, | April 17, 1849, | Dubuque. |
| Kentucky, | Taliaferro P. Shaffner, | March 14, 1846, | Louisville. |
| " | Caleb W. Logan, | Dec. 18, 1849, | " |
| " | Joseph B. Kinkead, | July 1, 1850, | " |
| " | Thomas D. Tilford, | Sept. 10, 1846, | Frankfort. |
| " | Joel C. Richmond, | Feb. 24, 1849, | " |
| " | Richard B. Carpenter, | March 13, 1849, | Covington. |
| " | John D. McGill, | Jan. 9, 1850, | " |
| " | C. H. Moor, | July 16, 1850, | " |
| " | John W. Finnell, | May 5, 1851, | " |
| " | B. F. Graves, | Jan. 28, 1850, | Lexington. |
| " | Charles J. Morton, | Feb. 14, 1850, | Shelbyville. |
| " | Thomas B. Smith, | Feb. 26, 1850, | Paris. |
| " | Richard H. Collins, | Nov. 6, 1851, | Maysville. |
| Louisiana, | Thomas P. Durant, | March 28, 1845, | New Orleans. |
| " | D. J. Ricardo, | March 28, 1845, | " |
| " | Charles S. McRae, | Oct. 9, 1845, | " |
| " | Constantine B. Beverley, | April 17, 1850, | " |
| " | Paul Pecquet, | Dec. 20, 1850, | " |
| " | William Shannon, | May 14, 1851, | " |
| " | William Monaghan, | May 29, 1851, | " |
| " | Wyndham Robertson, jr. | Feb. 9, 1852, | " |
| " | Richard T. Buckner, | Dec. 29, 1850, | Shreveport. |

| State. | Name of Commissioner. | Date of Appointment. | Residence. |
|----------------|-------------------------|----------------------|--------------------------|
| Maine, | James L. Child, | Oct. 16, 1849, | Augusta. |
| Maryland, | James B. Latimer, | April 22, 1844. | Baltimore. |
| " | William Meade Addison, | Feb'y 19, 1847, | " |
| " | Jabez D. Pratt, | Dec'r 14, 1847, | " |
| " | R. W. Marryatt, | Jan'y 27, 1849, | " |
| " | Charles Z. Lucas, | Feb'y 6, 1851, | " |
| " | George H. Hickman, | Oct'br 29, 1846. | Cumberland. |
| " | Josiah H. Gordon, | August 9, 1849. | " |
| " | James M. Sherry, | Feb'y 17, 1849, | Frederick City. |
| " | Andrew K. Syester, | Oct'br 24, 1851, | Hagerstown. |
| Massachusetts, | Ivers P. Austin, | April 24, 1844. | Boston. |
| " | Peter Oliver, | Nov. 15, 1845, | " |
| " | Abraham Jackson, jr. | Nov. 15, 1845, | " |
| " | J. Wingate Thornton, | Nov. 19, 1846, | " |
| " | J. H. Buckingham, | Oct. 16, 1849, | " |
| " | Warren Tilton, | Nov'r 8, 1849, | " |
| " | John S. Hale, | Jan'y 9, 1851, | " |
| " | Charles B. F. Adams, | June 7, 1851, | " |
| " | Edmund B. Otis, | June 13, 1851, | " |
| " | P. Emory Aldrich, | Dec'r 30, 1845, | Springfield. |
| " | H. L. Conoly, | July 1, 1847, | Salem. |
| " | N. T. Westfield, | Dec'r 8, 1847, | Hampden county. |
| " | J. Henry Hill, | June 20, 1849, | Worcester. |
| Michigan, | Gleason F. Lewis, | Feb'y 8, 1848, | Detroit. |
| " | Ebenezer H. Rogers, | April 30, 1849, | " |
| " | C. C. Burt, | Feb'y 9, 1849, | Homer, Calhoun county. |
| Minnesota, | Jacob J. Noah, | July 19, 1850, | St. Pauls, St. Croix co. |
| Mississippi, | Adolphus G. Weir, | April 23, 1844, | Columbus. |
| " | Peter Besancon, | April 24, 1844, | Natchez. |
| " | Hallam Eldridge, | July 19, 1850, | " |
| " | Robert W. Wood, | Oct. 21, 1851, | " |
| " | Richard Barnett, | April 1, 1846, | Vicksburg. |
| " | James T. Marye, | March 2, 1847, | Port Gibson. |
| " | George West, | May 21, 1847, | Holly Springs. |
| " | Leonidas V. Dixon, | August 4, 1847, | Jackson city. |
| Missouri, | John H. Watson, | Nov'r 13, 1845, | St. Louis. |
| " | Christopher Garvey, | Nov'r 13, 1845, | " |
| " | Thomas J. Beirne, | May 5, 1845, | " |
| " | John Garnett, | Dec'r 8, 1847, | " |
| " | Robert Stevens, | July 11, 1848, | " |
| " | Thaddeus K. Wetmore, | June 11, 1849, | " |
| " | Samuel M. Breckenridge, | Feb'y 7, 1850, | " |
| " | Mann Butler, | July 1, 1850, | " |
| " | John Y. Page, | Jan'y 22, 1851, | " |
| " | Charles H. Hardin, | Feb'y 16, 1847, | Fulton. |
| " | William A. Moffett, | Dec'r 12, 1848, | Hannibal, Marion co. |
| " | Robert F. Lakeran, | Feb'y 11, 1850, | " |
| " | M. M. Parsons, | Dec'r 15, 1849, | Jefferson city. |
| " | William Anderson, | Feb'y 1, 1851, | Lexington. |
| " | E. B. Jeffress, | Feb'y 5, 1851, | Union, Franklin co. |
| New Hampshire, | William B. Parker, | March 28, 1845, | Portsmouth. |
| New Jersey, | Richard W. Howell, | Oct'br 13, 1845, | Camden. |
| " | Simeon Hart, | Oct'br 17, 1845, | Passaic co. |
| " | William O'Connor, | May 5, 1846, | Jersey City. |
| " | Gordon L. Ford, | May 10, 1847, | Morristown. |
| " | John J. Plume, | Sept'r 30, 1848, | Newark. |
| New York, | Moses B. McClay, | April 22, 1844, | New York city. |
| " | John Bissell, | Oct'br 28, 1844, | " |
| " | John M. Mason, | Oct'or 28, 1844, | " |
| " | Charles J. Bushnell, | Feb'y 28, 1849, | " |
| " | Edward J. Wilson, | June 12, 1849, | " |
| " | John B. Breckenridge, | April 11, 1850, | " |
| " | Joseph C. Lawrence, | April 17, 1850, | " |
| " | John Livingston, | May 9, 1851, | " |
| " | James Bridge, | Dec'r 31, 1851, | " |
| " | James H. Patterson, | March 26, 1845, | Brooklyn. |

| State. | Name of Commissioner. | Date of appointment. | Residence. |
|-----------------|-----------------------|----------------------|----------------------------|
| New York, | Charles H. Thomson, | July 1, 1850, | Brooklyn. |
| " | John Fitch. | March 28, 1845, | Troy. |
| " | Robert J. Hilton, | Feb. 19, 1847, | Albany. |
| " | Warren S. Kelly, | June 26, 1849, | " |
| " | James S. Gibbs, | March 20, 1848, | Buffalo, |
| " | Powers L. Green, | April 3, 1848, | Little Falls, Herkimer co. |
| North Carolina, | George Little. | Feb. 21, 1846, | Raleigh. |
| " | Nathaniel J. Palmer, | Oct. 15, 1847, | Milton. |
| " | Adam Empie, jr. | Jan. 16, 1852, | Wilmington. |
| Ohio, | George E. Pugh, | May 30, 1844, | Cincinnati. |
| " | James W. Taylor, | Nov. 13, 1845, | " |
| " | A. H. McGuffey, | Dec. 22, 1848, | " |
| " | Edward R. Newhall, | April 7, 1819, | " |
| " | Joseph McDougall, jr. | April 16, 1850, | " |
| " | John Sutherland, | Oct. 5, 1846, | Stenbenville. |
| " | Joseph Cline. | Feb. 19, 1847, | Montgomery. |
| " | William B. Arven, | Jan. 8, 1848, | Newark. |
| " | David L. King, | Jan. 31, 1852, | Cleveland. |
| Pennsylvania, | John Binns. | May 24, 1845, | Philadelphia. |
| " | Samuel L. Clement, | June 19, 1845, | " |
| " | William H. Abbott, | Aug. 29, 1845, | " |
| " | Charles Stille, | Dec. 18, 1848, | " |
| " | William Shippen, | Oct. 29, 1849, | " |
| " | John Brodhead, | April 17, 1850, | " |
| " | George Junkin, jr. | July 5, 1850, | " |
| " | Henry B. Hirst. | Nov. 13, 1850, | " |
| " | John F. Bel-airling, | Nov. 22, 1850, | " |
| " | John Tyler, jr. | Jan. 9, 1851, | " |
| " | John H. Frick, | June, 14, 1851, | " |
| " | Joseph T. Thomas, | July 16, 1851, | " |
| " | Alfred Mackay, | Oct. 28, 1851, | " |
| " | Daniel Smith, | Oct. 29, 1846, | Uniontown, Fayette co. |
| " | William McSherry, | Feb. 17, 1849, | Littlestown. |
| " | Robert Arthurs, | March 7, 1851, | Pittsburg. |
| " | William Bakewell, | March 7, 1851, | " |
| " | David H. Hazen, | Dec. 17, 1851, | " |
| Rhode Island, | Henry Martin, | Nov. 17, 1847, | Providence. |
| " | Samuel B. Vernon, | Feb. 5, 1851, | " |
| South Carolina, | C. B. Northrop, | Nov. 13, 1845, | Charleston. |
| " | Isaac Davega, | Aug. 19, 1846, | " |
| " | Lewis F. Robertson, | Aug. 16, 1848, | " |
| Tennessee, | Alpha Kingsley, | May 30, 1844, | Nashville. |
| " | Egbert A. Ruworth, | Jan. 16, 1849, | " |
| " | James B. Thornton, | Jan. 10, 1846, | Memphis. |
| " | Robert H. Pattillo, | Oct. 14, 1846, | " |
| " | Hume F. Hill, | May 14, 1851, | " |
| " | Joel L. Jones, | May 11, 1848, | Somerville. |
| " | Edward J. Read, | March 27, 1849, | Cherryville. |
| " | Frank Gamewell, | Sept. 11, 1849, | Jackson. |
| " | Isaac Morrison, | Dec. 1, 1849, | Covington, Tipton co. |
| " | Philander Priestley, | Nov. 15, 1850, | Clarksville. |
| Texas, | Robert D. Johnson, | July 30, 1846, | Galveston. |
| " | Rufus K. Hartley, | June 7, 1851, | " |
| " | F. D. Jackson, | April 9, 1846, | Austin. |
| " | Memucan Hunt, | Oct. 22, 1849, | " |
| " | Francis L. Barziza, | April 9, 1846, | Franklin, Robertson co. |
| " | James A. Ponge, | May 5, 1846, | Bastrop, Colorado co. |
| " | A. H. Evans, | Nov. 9, 1846, | San Augustine. |
| " | William R. Baker, | Dec. 18, 1848, | Houston. |
| " | George Fisher, | June 30, 1849, | " |
| " | John H. Brown, | Sept. 12, 1851, | Indianola. |
| Wisconsin, | William Horner, | May 27, 1850, | Lancaster, Grant co. |
| " | John C. Starkweather, | Sept. 13, 1850, | Milwaukee. |

COMMISSIONERS IN THE DISTRICT OF COLUMBIA.

| Name of Commissioner. | Date of Appointment. | Residence. |
|-----------------------|----------------------|------------------|
| John A. Linton, - | Feb. 18, 1846, | Washington City. |
| Charles De Selding, - | Sept. 2, 1847, | " " |
| J. F. Callan, - | Feb. 29, 1848, | " " |
| Samuel L. Lewis, - | March 16, 1850, | " " |
| James B. Wilson, - | March 29, 1849, | Georgetown. |
| Henry Reaver, - | July 19, 1850, | " |

[DOC. No. XXXVIII.]

CONDITION

OF THE

MERCHANTS AND MECHANICS

BANK OF WHEELING,

AND OF THE

BANK OF THE OLD DOMINION.

1852.

EXECUTIVE DEPARTMENT,
Feb. 12, 1852.

*To the Speaker of the
House of Delegates.*

SIR,

I have the honor to transmit herewith, to be laid before the house of delegates, statements of the affairs of the Merchants and Mechanics Bank of Wheeling on the 12th of January last, and of the Bank of the Old Dominion on the 1st of the same month.

Very respectfully,

Your ob't serv't,

JOS. JOHNSON.

MERCHANTS AND MECHANICS BANK,
Wheeling, Feb'y 4, 1852.

His Excellency JOSEPH JOHNSON,
Governor of Va.

SIR,

Agreeably to our charter, I have the honor to enclose herewith a statement of the affairs of this bank.

I am, dear sir,

With great respect,

Your obedient servant,

J. W. GILL, *Pres't.*

[Doc. No. 88.]

Annual Statement of the Affairs of the Merchants and Mechanics

| | | | | | | |
|---------------------------|---|---|---|---------|----|-----------------------|
| Domestic bills, | - | - | - | 760,645 | 34 | |
| Foreign bills, | - | - | - | 529,407 | 13 | |
| | | | | | | 1,290,052 47 |
| Stocks owned by the bank, | - | - | - | - | - | 61,182 50 |
| Banking house and lot, | - | - | - | - | - | 27,159 02 |
| Real estate, | - | - | - | - | - | 155,810 88 |
| Bonds and mortgages, | - | - | - | - | - | 21,757 02 |
| Iron chests, | - | - | - | - | - | 400 00 |
| Pretest account, | - | - | - | - | - | 583 59 |
| Bonus, charter unexpired, | - | - | - | - | - | 6,650 00 |
| Due from banks, | - | - | - | - | - | 170,309 33 |
| Cash, coin, | - | - | - | 255,043 | 79 | |
| Notes and checks, | - | - | - | 76,524 | 25 | |
| | | | | | | 331,568 04 |
| | | | | | | |
| | | | | | | <u>\$2,065,452 85</u> |

Bank of Wheeling, and Office Morgantown, 12th January 1852.

| | | | | | |
|------------------------------------|---|---|---|------------|------------------------|
| Capital stock, | - | - | - | 500,000 00 | |
| Do. owned by the commonwealth, | - | - | - | 40,000 00 | |
| | | | | | 540,000 00 |
| Circulation, | - | - | - | - | 1,176,656 00 |
| Small notes outstanding, | - | - | - | - | 1,186 00 |
| Dividends unpaid, | - | - | - | 1,553 59 | |
| Do. declared this day, 4 per cent. | - | - | - | 21,600 00 | 23,153 59 |
| Contingent fund, | - | - | - | 83,236 40 | |
| Do. added this day, | - | - | - | 15,643 04 | 98,879 44 |
| Certificates of deposit, | - | - | - | 16,869 14 | |
| Depository, | - | - | - | 164,906 77 | 185,796 91 |
| Due to banks, | - | - | - | - | 39,788 91 |
| | | | | | <u>\$ 2,065,458 65</u> |

WHEELING, Jan'y 27, 1852.

We, directors of the Merchants and Mechanics Bank of Wheeling, do hereby certify, that we believe the foregoing to be an accurate statement of the affairs of said bank.

J. W. GILL, *Pres't.*
R. PATTERSON,
W. T. SELBY,
A. P. WOODS,
SAM'L OTT,
J. GOODING,
JAMES R. BAKER.

VIRGINIA—Ohio County, ss:

Personally appeared before me, the subscriber, a justice of the peace in and for the county aforesaid, Sobieski Brady, cashier of the Merchants and Mechanics Bank of Wheeling, who, being duly affirmed according to law, declared that he believed the foregoing to be a just and true statement from the books of said bank.

ALEX. ROGERS, J. P.

THE BANK OF THE OLD DOMINION,
Alexandria, Jan. 21, 1852.

SIR,

I transmit herewith a statement of the condition of the bank of the Old Dominion on the 1st of January 1852, which bank commenced operations on the 11th of October 1851.

I am, very respectfully,

Your obedient servant,

JAS. McKENZIE, *Cash'r.*

To His Excellency JOS. JOHNSON,
Governor of Virginia.

Statement of the Bank of the

| | | | | |
|---|---|---|------------|----------------------|
| Bills and notes discounted, | - | - | - | 147,697 39 |
| Virginia state stocks and guaranteed bonds deposited with the | - | - | - | |
| treasurer of the commonwealth, | - | - | 200,000 00 | |
| Virginia state stock, | - | - | 200 00 | |
| | | | | 200,200 00 |
| Alexandria corporation stock, | - | - | - | 3,100 00 |
| Banking house, unfinished, | - | - | - | 4,129 38 |
| Due from other banks, | - | - | - | 3,836 69 |
| Notes of banks incorporated by the state of Virginia, | - | - | 16,392 84 | |
| Notes of banks incorporated elsewhere, | - | - | 220 00 | |
| | | | | 16,612 84 |
| Exchange account, | - | - | - | 98 56 |
| Expense account, for cost of plates, engraving, notes, &c. | - | - | 1,728 98 | |
| Current expenses, | - | - | 1,242 06 | |
| | | | | 2,971 04 |
| Specie, | - | - | - | 20,047 42 |
| | | | | <u>\$ 398,693 32</u> |

Old Dominion, January 1st, 1852.

| | | | | | | |
|--------------------------------|---|---|---|---|---|------------|
| Capital stock paid in, | - | - | - | - | - | 219,700 00 |
| Notes in circulation, | - | - | - | - | - | 97,830 00 |
| Due to banks, | - | - | - | - | - | 12,897 80 |
| Due to depositors, | - | - | - | - | - | 60,999 87 |
| Discount and interest account, | - | - | - | - | - | 7,965 65 |

\$ 398,692 32

Denomination of Notes in Circulation January 1st, 1852.

| | | | |
|-----------|---|---|------------------|
| Fives, | - | - | 79,370 |
| Tens, | - | - | 6,600 |
| Twenties, | - | - | 6,360 |
| Fifties, | - | - | 5,500 |
| | | | <u>\$ 97,830</u> |

The bank commenced operations on the 11th October 1851.

JAS. McKENZIE, Cashier.

Alexandria, Va., January 15th, 1852.

We have examined the foregoing statement, and find it correct.

W. TOWLE, *President.*

L. McKENZIE,
WILLIAM N. McVEIGH,
J. J. WHEAT,
DAN'L F. HOOE,
W. G. CAZENOVE,
STEP. L. SHINN,
R. H. MILLER,
Directors.

VIRGINIA—*Alexandria county:*

This day James McKenzie, cashier of the bank of the Old Dominion at Alexandria, personally appeared before me, a justice of the peace in and for the county aforesaid, and made oath that the foregoing statement exhibits the true state of the said bank on the 1st day of January 1852, to the best of his knowledge and belief.

Given under my hand this 20th day of January 1852.

JOHN H. BRENT.

[DOC. No. XXXIX.]

A STATEMENT

SHEWING THE NUMBER OF

WHITE MALES AND WHITE FEMALES

OVER TWENTY-ONE YEARS OF AGE,

IN THE SEVERAL

COUNTIES, TOWNS AND GRAND DIVISIONS

OF THE

STATE OF VIRGINIA.

1852.

AUDITOR'S OFFICE, Feb. 12, 1852.

SIR,

In answer to the resolution of the house of delegates, passed on the 31st day of January last, directing me to prepare for the use of that body "a tabular statement of the white male population, above twenty-one years of age, of the respective counties of this state," I have taken the liberty of communicating to the house of delegates, through you, "a table shewing the number of white males and the number of white females, over the age of twenty-one years, in each of the counties, cities and towns of the four grand divisions of the commonwealth, for the years 1840 and 1850," prepared in this office on the 20th of March 1851, for the use of the late Virginia state convention. The table now communicated to the house of delegates would have been furnished earlier but for information which I received that the house of delegates had adopted measures to procure for the use of its members all the documents, of which this is one, published by the late convention. I have just learned that these documents have not been procured by the house of delegates. I have communicated the entire document furnished the convention, instead of complying literally with the resolution of the house of delegates, because that, inasmuch as this table of males over twenty-one years in the commonwealth of Virginia, according to the census of 1850, has been supposed to be inaccurate, I thought it proper to furnish to the house of delegates some means of ascertaining that fact, if it be such. These means are supplied to some extent, by the parts of the table communicated relating to the white males and white females over twenty-one years of age, according to the census of 1840, and that in relation to the white females according to the census of 1850. If the house of delegates desire a table strictly in compliance with the resolution, it can order so much of the document communicated to be printed, under my direction, as will constitute such a table.

It will be observed that I have considered the resolution of the house of delegates as requiring me to furnish a tabular statement of the white males over twenty-one years of age, in the commonwealth, *according to the census of 1850*, that being the latest actual enumeration of the population of the state. Nearly two years have elapsed since that enumeration. If the house of delegates desire a conjectural estimate of the white males of the commonwealth over twenty-one years of age at the present time, it can be made in this office without much difficulty. The average per cent. of increase or decrease of the

males over twenty-one years of age, in any county or city, for a period between the years of 1840 and 1850, corresponding with the time which has elapsed since the census of 1850, applied to the number of males over twenty-one years of age in each county or city, according to the census of 1850, would give the desired result.

I am, with great respect,

Your obedient servant,

RO. JOHNSTON,
First Auditor.

*To the Hon. O. M. CRUTCHFIELD,
Speaker House of Delegates of Va.*

AUDITOR'S OFFICE,
Richmond, March 20th, 1851.

SIR,

I have the honor of transmitting to you "a table shewing the white males and white females over twenty-one years of age, in the several counties, &c. of the commonwealth, in the years 1840 and 1850," prepared in compliance with a resolution of the convention, passed on the 21st day of October 1850.

I am, with high respect,

Your obedient servant,

RO. JOHNSTON,
First Auditor.

To the Hon. JOHN Y. MASON,
President Virginia State Convention.

A TABLE

Shewing the number of White Males and the number of White Females, over the age of 21 years, in each of the Counties, Cities and Towns of the four Grand Divisions of the Commonwealth for the years 1840 and 1850, prepared in compliance with a Resolution of the Convention adopted October 21st, 1850.

| TIDEWATER DIVISION. | 1840. | | | 1850. | | |
|--------------------------------|--------|----------|------------|--------|----------|------------|
| | Males. | Females. | Aggregate. | Males. | Females. | Aggregate. |
| Alexandria, - - - | - | - | - | 1581 | 1907 | 3488 |
| Accomack, - - - | 2073 | 2438 | 4511 | 2092 | 2347 | 4439 |
| Charles City, - - - | 255 | 389 | 644 | 402 | 386 | 788 |
| Caroline, - - - | 1385 | 1619 | 3004 | 1476 | 1741 | 3217 |
| Chesterfield, - - - | 1683 | 1988 | 3671 | 1899 | 2005 | 3904 |
| Essex, - - - | 796 | 1054 | 1850 | 638 | 753 | 1391 |
| Elizabeth City, - - - | 306 | 438 | 744 | 578 | 514 | 1092 |
| Fairfax, - - - | 1234 | 1239 | 2473 | 1609 | 1519 | 3128 |
| Greensville, - - - | 418 | 468 | 886 | 384 | 417 | 801 |
| Gloucester, - - - | 970 | 1006 | 1976 | 831 | 920 | 1801 |
| Hanover, - - - | 1309 | 1617 | 2926 | 1377 | 1609 | 2986 |
| Henrico, - - - | 1403 | 1446 | 2849 | 1969 | 2058 | 4027 |
| Isle of Wight, - - - | 1064 | 1202 | 2266 | 995 | 1069 | 2064 |
| James City and Williamsburg, - | 414 | 305 | 719 | 391 | 303 | 754 |
| King George, - - - | 461 | 531 | 992 | 459 | 513 | 972 |
| King & Queen, - - - | 911 | 1040 | 1951 | 768 | 1001 | 1769 |
| King William, - - - | 670 | 807 | 1477 | 590 | 657 | 1247 |
| Lancaster, - - - | 400 | 469 | 869 | 391 | 404 | 795 |
| Mathews, - - - | 840 | 987 | 1827 | 712 | 836 | 1568 |
| Middlesex, - - - | 406 | 491 | 897 | 380 | 425 | 805 |
| Nansemond, - - - | 1028 | 1113 | 2141 | 1215 | 1297 | 2512 |
| New Kent, - - - | 520 | 587 | 1107 | 476 | 517 | 993 |
| Norfolk, - - - | 1162 | 1226 | 2388 | 1168 | 1087 | 2255 |
| Northumberland, - - - | 843 | 905 | 1748 | 618 | 598 | 1216 |
| Northampton, - - - | 765 | 820 | 1585 | 605 | 658 | 1263 |
| Princess Anne, - - - | 854 | 874 | 1728 | 987 | 891 | 1878 |
| Prince George, - - - | 630 | 573 | 1203 | 615 | 640 | 1255 |
| Prince William, - - - | 1019 | 1135 | 2154 | 1048 | 1181 | 2229 |
| Richmond, - - - | 551 | 748 | 1299 | 630 | 756 | 1416 |
| Stafford, - - - | 996 | 1142 | 2138 | 1007 | 1129 | 2136 |
| Southampton, - - - | 1320 | 1499 | 2819 | 1295 | 1565 | 2860 |
| Spotylvania, - - - | 979 | 1107 | 2086 | 947 | 1111 | 2058 |
| Surry, - - - | 601 | 678 | 1279 | 519 | 551 | 1070 |
| Sussex, - - - | 761 | 945 | 1706 | 623 | 790 | 1413 |
| Warwick, - - - | 121 | 132 | 253 | 140 | 123 | 263 |
| Westmoreland, - - - | 751 | 745 | 1496 | 728 | 792 | 1520 |
| York, - - - | 450 | 410 | 860 | 397 | 395 | 792 |
| Fredericksburg, - - - | 549 | 606 | 1155 | 576 | 663 | 1239 |
| Norfolk city, - - - | 1334 | 1702 | 3036 | 2056 | 2460 | 4516 |
| Petersburg, - - - | 1423 | 1279 | 2702 | 1580 | 1692 | 3272 |
| Portsmouth, - - - | 878 | 1012 | 1890 | 1892 | 1396 | 3288 |
| Richmond city, - - - | 2803 | 2616 | 5419 | 4044 | 3562 | 7606 |
| Total tidewater, - | 37336 | 41388 | 78724 | 42768 | 45293 | 88066 |

| PIEDMONT DIVISION. | 1849. | | | 1850. | | |
|--------------------------|--------|----------|------------|--------|----------|------------|
| | Males. | Females. | Aggregate. | Males. | Females. | Aggregate. |
| Albemarle, | 2361 | 2263 | 4624 | 2753 | 2468 | 5221 |
| Amelia, | 699 | 760 | 1459 | 672 | 697 | 1369 |
| Amherst, | 1497 | 1388 | 2885 | 1477 | 1392 | 2869 |
| Appomattox, | - | - | - | 928 | 973 | 1901 |
| Bedford, | 2430 | 2293 | 4723 | 3300 | 2848 | 6148 |
| Brunswick, | 1053 | 1175 | 2228 | 945 | 1052 | 1997 |
| Buckingham, | 1697 | 1660 | 3357 | 1230 | 1245 | 2475 |
| Campbell, | 1579 | 1498 | 3077 | 1752 | 1644 | 3396 |
| Charlotte, | 1086 | 1117 | 2203 | 986 | 1039 | 2025 |
| Culpeper, | 1085 | 1188 | 2273 | 1213 | 1353 | 2566 |
| Cumberland, | 792 | 790 | 1582 | 689 | 703 | 1392 |
| Dinwiddie, | 983 | 1103 | 2086 | 1002 | 1016 | 2018 |
| Fauquier, | 2211 | 2411 | 4622 | 2286 | 2457 | 4743 |
| Franklin, | 2098 | 2183 | 4281 | 2339 | 2409 | 4748 |
| Flavanna, | 958 | 1010 | 1966 | 962 | 1002 | 1964 |
| Greene, | 545 | 539 | 1084 | 593 | 611 | 1204 |
| Goochland, | 857 | 926 | 1783 | 877 | 977 | 1854 |
| Halifax, | 2326 | 2489 | 4815 | 2361 | 2646 | 5007 |
| Henry, | 869 | 869 | 1738 | 1108 | 1117 | 2225 |
| Loudoun, | 2975 | 3206 | 6181 | 3456 | 3610 | 7066 |
| Louisa, | 1383 | 1513 | 2896 | 1534 | 1559 | 3093 |
| Lassenburg, | 896 | 1036 | 1932 | 936 | 1056 | 1992 |
| Madison, | 841 | 833 | 1674 | 1002 | 1105 | 2107 |
| Mecklenburg, | 1835 | 1732 | 3567 | 1626 | 1718 | 3344 |
| Nelson, | 1380 | 1320 | 2700 | 1513 | 1496 | 3009 |
| Notoway, | 527 | 595 | 1122 | 543 | 515 | 1058 |
| Orange, | 790 | 846 | 1636 | 882 | 1009 | 1891 |
| Patrick, | 1145 | 1198 | 2343 | 1462 | 1439 | 2901 |
| Pittsylvania, | 2897 | 3118 | 6015 | 3155 | 3401 | 6556 |
| Prince Edward, | 1103 | 1115 | 2218 | 944 | 913 | 1857 |
| Powhatan, | 566 | 580 | 1146 | 587 | 548 | 1135 |
| Rappahannock, | 1069 | 1238 | 2307 | 1238 | 1330 | 2568 |
| Lynchburg, | 735 | 670 | 1406 | 1204 | 839 | 2043 |
| Total, | 43267 | 44662 | 87929 | 47555 | 48167 | 95722 |

| VALLEY DIVISION. | 1840. | | | 1850. | | |
|-----------------------------------|--------|----------|------------|--------|----------|------------|
| | Males. | Females. | Aggregate. | Males. | Females. | Aggregate. |
| Alleghany, - - - | 472 | 441 | 913 | 586 | 572 | 1158 |
| Augusta, including Staunton, - - | 3398 | 3145 | 6543 | 4495 | 4188 | 8683 |
| Bath, - - - | 700 | 677 | 1377 | 548 | 514 | 1062 |
| Berkeley, - - - | 2333 | 1902 | 4235 | 2460 | 2092 | 4552 |
| Botetourt, - - - | 1737 | 1827 | 3564 | 2536 | 2275 | 4811 |
| Clarke, - - - | 669 | 644 | 1313 | 866 | 795 | 1661 |
| Frederick, includ'g Winchester, - | 2454 | 2426 | 4880 | 2885 | 2968 | 5853 |
| Hampshire, - - - | 2706 | 2129 | 4835 | 3047 | 2512 | 5559 |
| Hardy, - - - | 1239 | 1257 | 2496 | 1734 | 1666 | 3400 |
| Highland, - - - | - | - | - | 824 | 796 | 1620 |
| Jefferson, - - - | 2553 | 1984 | 4537 | 2574 | 2391 | 4965 |
| Morgan, - - - | 1422 | 737 | 2159 | 777 | 691 | 1468 |
| Page, - - - | 1063 | 1040 | 2103 | 1324 | 1335 | 2659 |
| Pendleton, - - - | 1298 | 1301 | 2599 | 1171 | 1104 | 2275 |
| Roanoke, - - - | 807 | 805 | 1612 | 1220 | 1170 | 2390 |
| Rockbridge, - - - | 2204 | 2192 | 4396 | 2636 | 2553 | 5189 |
| Rockingham, - - - | 3134 | 3082 | 6216 | 3643 | 3320 | 6963 |
| Shenandoah, - - - | 2294 | 2250 | 4544 | 2798 | 2399 | 5197 |
| Warren, - - - | 886 | 820 | 1706 | 1100 | 973 | 2073 |
| Total, - | 31369 | 28659 | 60028 | 37224 | 35304 | 72528 |

| TRANS-ALLEGANY DIVISION. | 1840. | | | 1850. | | |
|--------------------------|--------|----------|------------|--------|----------|------------|
| | Males. | Females. | Aggregate. | Males. | Females. | Aggregate. |
| Barbour | - | - | - | 1652 | 1598 | 3250 |
| Braxton | 483 | 433 | 921 | 825 | 737 | 1562 |
| Boone | - | - | - | 607 | 516 | 1123 |
| Brooke | 1685 | 1603 | 3288 | 1150 | 922 | 2072 |
| Cabell | 1465 | 1336 | 2801 | 1207 | 1137 | 2344 |
| Cartoll | - | - | - | 1063 | 1114 | 2177 |
| Doddridge | - | - | - | 526 | 488 | 1014 |
| Fayette | 738 | 622 | 1360 | 766 | 708 | 1460 |
| Floyd | 753 | 796 | 1549 | 1140 | 1217 | 2357 |
| Grayson | 1585 | 1616 | 3201 | 1120 | 1184 | 2304 |
| Greenbrier | 1620 | 1492 | 3112 | 1990 | 1703 | 3693 |
| Giles | 911 | 909 | 1820 | 1183 | 1142 | 2325 |
| Gilmer | - | - | - | 679 | 606 | 1285 |
| Hancock | - | - | - | 901 | 821 | 1722 |
| Harrison | 3251 | 3248 | 6499 | 2245 | 2180 | 4425 |
| Jackson | 902 | 783 | 1685 | 1299 | 1137 | 2436 |
| Kanawha | 2278 | 1782 | 4060 | 2584 | 2092 | 4676 |
| Lee | 1349 | 1399 | 2748 | 1743 | 1762 | 3505 |
| Lewis | 1463 | 1439 | 2902 | 1923 | 1825 | 3748 |
| Logan | 752 | 687 | 1439 | 640 | 597 | 1237 |
| Marion | - | - | - | 2046 | 2012 | 4058 |
| Marshall | 1368 | 1377 | 2645 | 2085 | 1907 | 3992 |
| Mason | 1210 | 1103 | 2313 | 1430 | 1271 | 2701 |
| Mercer | 366 | 374 | 740 | 772 | 720 | 1492 |
| Monongalia | 3408 | 3254 | 6662 | 2373 | 2504 | 4877 |
| Monroe | 1502 | 1494 | 2996 | 1899 | 1900 | 3799 |
| Montgomery | 1207 | 1215 | 2422 | 1412 | 1418 | 2830 |
| Nicholas | 456 | 446 | 902 | 768 | 680 | 1448 |
| Ohio | 1229 | 1068 | 2297 | 1100 | 1338 | 2438 |
| Preston | 1262 | 1205 | 2467 | 3837 | 1781 | 5618 |
| Pocahontas | 541 | 544 | 1085 | 705 | 693 | 1398 |
| Pulaski | 586 | 574 | 1160 | 739 | 710 | 1449 |
| Putnam | - | - | - | 1004 | 904 | 1908 |
| Raleigh | - | - | - | 360 | 316 | 676 |
| Randolph | 1105 | 1078 | 2183 | 1022 | 929 | 1951 |
| Ritchie | - | - | - | 766 | 744 | 1510 |
| Russell | 1301 | 1304 | 2605 | 1902 | 1812 | 3714 |
| Scott | 1246 | 1261 | 2507 | 1716 | 1710 | 3426 |
| Smyth | 1087 | 1075 | 2162 | 1361 | 1300 | 2661 |
| Taylor | - | - | - | 1164 | 875 | 2039 |
| Tazewell | 1021 | 981 | 2002 | 1689 | 1472 | 3161 |
| Tyler | 1316 | 1220 | 2536 | 1053 | 970 | 2023 |
| Washington | 2121 | 2237 | 4358 | 2469 | 2593 | 5062 |
| Wayne | - | - | - | 878 | 732 | 1610 |
| Wetzel | - | - | - | 821 | 791 | 1612 |
| Wirt | - | - | - | 649 | 580 | 1229 |
| Wood | 1462 | 1345 | 2807 | 1938 | 1740 | 3678 |
| Wyoming | - | - | - | 279 | 272 | 551 |
| Wythe | 1484 | 1520 | 3004 | 2008 | 1971 | 3979 |
| Wheeling city | 1861 | 1625 | 3486 | 2982 | 2616 | 5598 |
| Total | 46354 | 44350 | 90704 | 68380 | 62742 | 131122 |
| Valley | 31389 | 29659 | 60928 | 37224 | 35304 | 72528 |
| Piedmont | 43267 | 44662 | 87929 | 47555 | 48187 | 95742 |
| Tidewater | 37336 | 41388 | 78724 | 42768 | 45298 | 88066 |
| Grand total | 158326 | 159059 | 317385 | 195927 | 191531 | 387458 |
| Total Western Division | 77723 | 73009 | 150732 | 105604 | 98046 | 203650 |
| “ Eastern “ | 80603 | 86050 | 166653 | 90323 | 93485 | 183748 |

In ascertaining the white males and females over twenty-one years of age in the several counties, &c. of the commonwealth in 1840, I have subtracted one-tenth of the males and one-tenth of the females respectively, between twenty and thirty years of age, from the number of males and females respectively over twenty years of age; the census of 1840 giving, as it does, the white males and white females classed as to age. It has been found necessary to count the white males and the white females respectively over twenty-one years of age, whose names are found on the schedules of the assistant marshals in 1850, there being no classification as to age in the returns of that census. I have used a table, prepared under the direction of the secretary of the interior at Washington, of the white males over twenty-one years of age in Western Virginia, in making up this table. White males and white females, who are by the census schedules twenty-one years of age, are counted as being over twenty-one years of age. The counties, opposite to the names of which blanks under the head of the year 1840 appear, have been created since that year.

Respectfully submitted.

RO. JOHNSTON, *First Auditor.*

Auditor's Office, March 20th, 1851.

[DOC. No. XL.]

REPORT

OF THE

SELECT COMMITTEE OF TWENTY-ONE

ON THE SUBJECT OF

INTERNAL IMPROVEMENT.

1852.

REPORT.

Resolved, That a select committee of twenty-one be appointed to enquire into the progress of the leading lines of public improvement in this state, including both canals and railroads; to ascertain as near as may be the sums necessary to complete the same, as they have been already projected; to enquire into the expediency of making further appropriations in aid of said works; and to enquire also what other works are necessary to be undertaken and constructed by the state.

The committee charged with the enquiries directed by the foregoing resolution, have had the same under careful consideration, and submit the following

REPORT :

As leading lines of improvement, they regard the James river and Kanawha canal, the Central, Richmond and Danville, Southside, Virginia and Tennessee, Orange and Alexandria, Manassa's gap, Norfolk and Petersburg, and Richmond and York river railroads, and the improvement of the lower James river; and the following is the state of their several works :

With the exception of the Tidewater and Southside connections, (which have been delayed for unavoidable causes,) the canal is completed and in operation to Buchanan, a distance of one hundred and ninety-six miles above Richmond.

The Central railroad is completed to Charlottesville, and in the course of the present month will be opened to a point eight miles beyond. From Waynesborough to Staunton the grading is completed; a section twenty miles west of Staunton is under contract, and in the course of the ensuing spring fifteen miles more of the road in the direction of Covington will be let. From Covington to the Ohio river surveys have been made by competent engineers, and with favorable results.

The Southside railroad is in actual operation a distance of forty-six miles from Petersburg to a point near Nottoway courthouse. From the latter point to within twenty-three miles of Lynchburg, it is under contract for graduation, masonry and bridging.

The Richmond and Danville road is in running order from Richmond to Jetersville, forty-four miles, and will be completed to the junction with the South side road, ten miles farther, early in the coming spring. The remainder of the road has been let to contractors, except thirty miles between the Staunton river and Danville.

The Virginia and Tennessee railroad is progressing rapidly. The tunnel near Lynchburg is completed; the road, in actual operation to Liberty, will reach Salem in July, and in six weeks after reaching the latter point, may be extended ten miles farther. A large amount of work has also been done between Salem and Wytheville.

Of the Orange and Alexandria railroad more than thirty miles have been completed; a large amount of labor has been expended on the entire line to Culpeper courthouse, a distance of sixty-one miles, and rails have been purchased for the whole distance. Between Culpeper courthouse and the western terminus at Gordonsville, much of the work has been recently let to contractors.

And the Manassa's gap railroad, whose company was chartered less than two years ago, is finished a distance of twenty miles, and is in course of construction the whole line from its junction with the Orange and Alexandria road to the summit of the Blue Ridge, a distance of forty and a quarter miles. The Norfolk and Petersburg and Richmond and York river railroads are not commenced.

For the completion of these principal improvements, as already projected, the following sums will be required: for present relief of the James river and Kanawha company, \$300,000, and for extension of the canal to Covington, \$1,440,000; for continuing the Central railroad from Covington to the Ohio river, \$5,000,000; for the Southside railroad, \$600,000; for the Richmond and Danville, \$600,000; Virginia and Tennessee, \$750,000; Orange and Alexandria, \$420,000; for the Manassa's gap, \$400,000; for the Norfolk and Petersburg, \$800,000; for the Richmond and York river, \$500,000, and for the improvement of the navigation of the lower James river, \$115,000. These estimates include both the state and private subscriptions.

The next enquiry devolved upon your committee—perhaps the most interesting that can at this time engage the reflections of the Virginia lawgiver—is, What aid should be given from the treasury to these our great lines of improvement?

Your committee most unhesitatingly and most earnestly recommend the vigorous prosecution and speedy completion of these important works. Nothing short of absolute financial inability should arrest their progress even for a day. And first, of the

JAMES RIVER AND KANAWHA CANAL.

As it has been already intimated, the James river and Kanawha company require, in order to meet existing and anticipated deficiencies, the sum of \$300,000. These deficiencies exist on account of the second division of the canal, and the Tidewater, Southside and Rivanna connections, the cost of which has exceeded the estimates and appropriations, and on account of a deficit in the revenue of the last year. There is anticipated also a like deficit for the present fiscal year. The two amount to \$98,000, and leave the company short, by that sum, of the means of paying the interest on its debt.

Every consideration of public interest demands that these deficiencies be at once supplied from the treasury. The case admits of no

delay. Delay indeed may be ruinous. If the company fail to pay the semi-annual interest on its guaranteed debt, it will become the duty of the Board of public works, under the mortgages executed to the state, to sell out the entire works of the company. "This course (to use the warning language of our late governor) would at once put a stop to the further prosecution of the enterprise, and would result in a total sacrifice of the stock of the company." The alternatives, therefore, presented to the general assembly, are a total abandonment of this important improvement, or the present relief of the company.

What consideration can excuse the sacrifice of the large sums already expended on this improvement? How can we justify ourselves to the people for this wholesale throwing away of their money? How defend ourselves for the "penny-wise and pound-foolish" policy of sacrificing, for the paltry sum of \$ 300,000, an investment of millions? And where is the wisdom of giving up for lost a great public work, just on the eve of opening development, and when new and hopeful sources of revenue and trade are promising full compensation for all the embarrassments and expenditures of the past?

Your committee accordingly recommend, either that a loan of three hundred thousand dollars of state bonds be made to the company, or that the state pay the semi-annual interest accruing on the company's bonded debt until the 1st of July 1853; and they the more readily make this recommendation, that in a few years, when all the company's works in course of construction shall have been completed, there is good reason to hope that it will be enabled to repay to the treasury the sums advanced.

Not less earnestly do your committee advise the extension of the canal to Covington, and at as early a day as shall be found compatible with the financial condition of the state. The soundest and most potent considerations of state policy render imperative this extension.

Your committee have been unable to perceive, in the present condition of the company's affairs, anything to disadvise this extension, or to throw the canal policy of the state into disrepute.

The company, it is true, are in arrears, but those arrears are for work actually done, and result from the under estimates of former appropriations—a thing common in all appropriations of the kind—owing doubtless to the fluctuations in the price of labor and materials.

And it is also true that there has been a deficiency to meet interest of \$ 48,628 during the last year, and that a deficit of \$ 50,978 is anticipated for the current year; but in justice to the company and to the great improvement it represents, it should be borne in mind that several sources of revenue—the Tidewater, the Rivanna and Southside connections, have been necessarily lost to the company during the past year, and will be, to a great extent, during the present; that the western portion of the works, in consequence of the necessity for extensive repairs and permanent improvements, absorbing the annual revenues, has been wholly unproductive; that not until now has the section of the canal from Lynchburg to Buchanan been opened for use; and that, accordingly, the reliance of the company for income for the past year has been wholly, and for the present will be almost en-

irely, on the main trunk of the canal, unassisted by any tributary connections.

Nor should it be forgotten that the circumstances attending the rise and progress of this company are peculiar. Its capital stock having been exhausted in constructing a portion of its works, it has been its hard fortune to be forced to pay the interest on the cost of its works as they progressed, and before they could by possibility become profitable. More than \$431,000 (the president of the company in his last report informs us) have been paid on account of "interest on money borrowed to construct works, (the second division,) which, up to the end of the last fiscal year, had not contributed one cent to the company's revenues." This is an unusual and onerous charge—one that might well overtask the revenue capacities of any half finished improvement, and that should challenge the more charitable judgment of the people and their representatives.

Other hardships, too slightly estimated by the public judgment, have been the lot of the company. A large portion of its original capital stock has been, from the first, almost wholly unavailable.

The original capital of the company was, under its charter, \$5,000,000, of which individuals and corporate bodies subscribed \$2,000,000, and the state \$3,000,000.

One million, however, of the state's subscription was paid, not in money, but by a transfer of her interest in the works of the old James river company, valued at that sum.

But these works, (being principally an improvement of the sluice navigation for batteaux, and on a plan totally different from that of the new company,) were practically of no use to the James river and Kanawha company, the works were consequently all reconstructed, and the amount at which the old works were put into the subscription thus virtually sunk.

The company was charged also in its organization with an annuity to the stockholders in the old James river company, amounting to \$21,000, equivalent to the interest at 6 per cent. on \$350,000.

So that we may put down as unavailable at least \$1,350,000 of the original subscriptions, and the company should be regarded as commencing its work with a *nominal* capital of \$5,000,000, but with a *real* and *available* one of only \$3,750,000.

Accidental causes, too, have not been wanting to detract from the business of the canal. The low price of wheat, increasing the quantity for home consumption and lessening the export, the shortness of the tobacco crop for the last two years, and the depressed condition of the iron business, arising from the competition of the foreign with the domestic article, have not a little lessened its tonnage and impaired its revenues. That, under circumstances so unpropitious, it should have done what it has, should excite rather "our special wonder" than discontent and despondency.

There is nothing, then, in the present condition of the water line to impeach its claims to public favor, and to the continued patronage of the general assembly.

But better fortune, your committee believe, awaits this great work.

The first cheering fact that salutes us is, that its tonnage, and consequently its revenue, have steadily increased. The increase of the former during the past year over its predecessor, was 12,099 tons, and of the latter near \$10,000; and this on that portion of the canal only between Richmond and Lynchburg. If this gratifying result has attended the work between Richmond and Lynchburg, unaided too by auxiliary connections, what may we not expect from each mile of its extension into the great Valley of Virginia, accompanied, as ere long it will be, by important feeders along the whole line of the improvement?

A glance at details will shew that your committee's anticipations of the brighter destinies of the water line are by no means groundless or exaggerated.

First of all, several sources of trade and tolls, entirely closed during the past year, as they will be for a greater portion of the present, are about to be re-opened, and with enlarged capacities.

The Rivanna connection, an important feeder closed for the last two years, is now completed, and will return to the canal an amount of business largely increased by the improvements it has undergone.

The Southside connection will be completed in a short time, and will bring an additional amount of business and swell the income.

The Tidewater connection, with the enlarged dock—that valuable substitute for the old dock—will be finished the present year, and must considerably augment the company's resources. Hitherto, the average gross income from the old dock has been about \$11,000; but your committee are informed, by intelligent merchants of Richmond familiar with the trade of the city, that the tolls upon the Tidewater connection and enlarged dock, when completed, cannot fall short of \$40,000 per annum, while it will save to the planting interest the enormous charges now incurred by the costly transportation from the basin to the shipping at Rocketts. It may be proper here to note that the drayage on six articles alone, between the basin and Rocketts, amounted in a single year to \$21,000; and as this is a tax borne exclusively by the planters who use the canal, and rendered necessary only by the want of the Tidewater connection, the value of this improvement becomes apparent, and gives the best assurance that whatever has been expended on this branch of the water line has been wisely applied.

The expensive repairs of the western improvements having been completed, this portion also of the company's works will hereafter be available. Hitherto the tolls from the Kanawha turnpike and river have been expended chiefly in repairs and more solid improvements, and of course but little income has been derived from this source; but henceforth the nett proceeds may be safely estimated at not less than \$15,000 per annum.

But a new era opens on the canal in the completion of its second division. Hitherto its business has been derived exclusively from the section between Richmond and Lynchburg. But the improvement is now open to the Valley of Virginia, and new and broader prospects dawn upon it.

Meeting at Buchanan a macadamized road, and assisted by the North river and other tributaries, it is destined to receive in a few years, on the newly completed section, a vast amount of additional tonnage.

What that increased tonnage will be can be approximated only. A committee, of which Judge Edward Johnston was chairman, estimated it in 1837 at 83,513 tons. This, at 2 cents per ton per mile, calculating for the whole line of 196 miles, gives an aggregate for tolls of \$325,410. Deduct for repairs and other expenses \$25,000, and there remains a nett revenue of \$300,410—a sum more than twice sufficient to pay the interest on the cost of this division of the improvement.

From the foregoing data, which assuredly cannot be impeached for extravagance, an income of at least \$500,000 may at an early day be looked for from the first and second divisions of the canal. Subtract expenses of first division, say \$75,000, (an over estimate,) and for annuity and interest on bonded and guaranteed debt, \$280,000, and we have a nett revenue of \$145,000—a sum that will considerably more than pay the interest on whatever principal may be borrowed to extend the improvement to Covington.

If these speculations of your committee even approximate the truth, the construction of the water line from Richmond to Buchanan is founded in financial wisdom, and the insignificant supplies required to disembarass the improvement and place it on the most effective footing so far as it has progressed, should be unhesitatingly granted, there being every assurance that the state will be more than indemnified for every dollar expended.

Nor is it on financial grounds only that the canal is to be vindicated. Already its stimulating influence upon productive industry is felt in the second division. Scarce indeed had the water coursed its way to Buchanan, before the process of development began.

Since the completion of the canal to that point, extensive arrangements have been made near the town by an enterprising firm, Messrs. Wilson & Graham, for the manufacture of common lime for the supply of Lynchburg, Richmond and other cities and sections of the state. The best quality of grey limestone may be had in any abundance in Rockbridge and Botetourt counties, and these gentlemen are prepared to supply any demand at rates corresponding with those of the Northern article. Of course, if the demand justify, other persons will engage in similar enterprises. At present these gentlemen send lime down the canal and take up plaster.

At the mouth of the North river is an extensive bed of the best hydraulic lime, and a cement mill is in successful operation there, from which the James river canal obtains its supply of hydraulic cement. This cement is equal to any in the world, and may be supplied not only for domestic demand, but from its convenience to market and cheap transit to it, will come in competition with the Rosendale and other cements now so extensively used in this country. It is now sent down the canal for the Tidwater connection, and coal taken back—by which operation revenue is brought to the canal downward

and upward, and as your committee are informed on the authority of the proprietor, a saving of \$200 made on the back and downward loads.

Sulphate of bayta has been recently discovered to possess the same fertilizing properties as gypsum. It abounds in Rockbridge, and may be used wherever the gypsum is carried.

Here, then, are three items added to the list of productive pursuits; three new sources of employment and wealth to the people of Virginia, and of income to their great improvement, which, but for the ready and cheap transportation afforded by the extension of the canal to the Valley, had never sprung into existence.

Let the immense amount of lime and hydraulic cement and gypsum now imported from the North be furnished by Virginia mills, employing Virginia capital and labor, and how much shall we not add to the prosperity and wealth of our own people? And is not that a blessed policy which generates these new sources of thrift and independence?

Then let us not lament that the statesmen of Virginia conceived the idea of the water line. Let us rather cherish an improvement so replete with happy agencies. Least of all should we cast it aside when on the very verge of enlarged capability and riper development.

Continued to Covington, to which point it should be vigorously prosecuted, its tonnage will again be greatly increased. Reaching that point, it opens on a region abounding inexhaustibly with iron ores, covered with timber of the most valuable kind, and rich in agricultural resources, but with no suitable outlet for its heavy productions.

The stimulating effect of a water line transportation, the cheapest in the world, on such a region, will be soon and sensibly felt in the generation of new branches of industry and trade. Should the iron business revive, which is not improbable, owing to the superior quality of the Virginia iron, a very large production of this article will augment the general wealth and the tolls of the canal. If it become a staple production, it will be difficult to estimate the amount of tonnage it will throw upon the canals, and the impetus it will give to the industry of that region.

A large lumber trade, not now existing, may be expected, as timber easily bears water transportation. Every foot of timber consumed in Richmond may be, and doubtless will be, furnished from the forests of Alleghany, Bath, Pocahontas, Greenbrier and Monroe. If so, hundreds of thousands of dollars now sent North and South for building material will be kept at home, and put in the pockets of our own citizens. The value of the lumber trade may be conceived from the fact that ship timber is now cut in the mountains of Virginia, floated down stream to the southern terminus of the Ohio canal, and transported thence *via* the lakes and Erie canal to the city of New York, and that the products of the forest transported on the Erie canal in a single year amounted to the enormous aggregate of one million and eighty-six thousand tons.

A large increase of agricultural production may be also anticipated. The soil of the counties just referred to is admirably adapted to the growth of wheat; yet not a bushel is sent thence to market. The

extension of the canal to Covington will make it an important staple of that region.

But its extension to that point is called for by other and controlling considerations. Its western terminus should be at the nearest point of proximity to the heavy trade of the West, no matter what the mode of western connection—whether by continuous water line, railroad, plank road or turnpike. Water transmission being much the cheapest, and therefore most strongly attracting the heavy trade, the attracting power should be rendered the stronger by shortening its scope. In other words, the shorter the distance at which the trade can strike the water, the more certain it is to seek it, and in quantities the larger. The farther, too, a cheap line of transit is extended, the greater is its stimulating influence upon general production. And a third and potent reason against stopping the canal at Clifton Forge and for continuing it to Covington, is, that when it reaches that point, the company's road, the Kanawha turnpike, extending from the Ohio river to Covington, becomes an important feeder to the canal. Would it be either politic or right to render comparatively valueless this portion of the company's work?

The tonnage for this third division has been estimated, by those well competent to compute it, at 50,000 tons per annum. Looking to the large contributions which must be made to it from the mines, the soil and the forest, we may well regard this estimate as being far too low. But put it down at 40,000, and at the present rates of transportation the tolls from Covington to Richmond will amount to \$217,564. Take off for repairs, &c. \$25,000, and \$108,000, the interest on the capital (\$1,800,000) necessary to construct this division, and we have a nett surplus of \$84,564. Reimbursement, and more than reimbursement, is therefore certain; and the state can well afford to extend a work so much involving her agricultural, commercial and financial prosperity and the welfare of her people. To abandon it altogether would be, under any circumstances, most unwise; to give it up in despair, now that it is in the midst of rising fortunes and hopeful anticipations, would be very madness, and her statesmen should scout the unpatriotic thought.

Whether, then, as a means of revenue or trade, your committee cannot too urgently enforce the policy of cherishing the water line improvement. "We look upon the Erie canal," says an eminent journalist of New York, "as a part of our greatness." A truthful and patriotic sentiment! For most truly is it "a part of the greatness," not of the Empire state only, but of this great nation. Civilized man has never before consummated or conceived so magnificent an enterprise. As a channel of trade, none, either artificial or natural, cisatlantic or continental, can for a moment compare with it. Results stupendous to contemplate have come of it; results seeming more like the romantic tales of Eastern story than the versions of sober reality, and yet as "fixed facts" as the rising and setting of the sun or the ebbing and flowing of the tides.

Less than thirty-five years ago the hills and valleys of the now Empire state rang loud with the clamor of derision against the grand

scheme which was to commingle the waters of lake Erie and the Hudson, and with yet louder denunciations of the immortal author of that magnificent conception.

But enlightenment and truth triumphed over ignorance and error; the canal was built, and behold the result! Its daily business is 20,000 tons. To accommodate its commerce 5,015 boats are required, which, placed in a continuous line, would reach from Albany to Utica, a distance of 83 miles. Six double track railroads would not do its business. It would require 10,000 cars, and 1,400 engines, at a cost of \$9,000,000. A single railroad would require daily trains $4\frac{1}{2}$ miles long to be loaded, unloaded and sent back. Its tonnage the last year amounted to 2,600,000 tons, and its pecuniary value to more than \$150,000,000. From 1841 to 1851 its tolls exceeded \$30,000,000, and in a single year (1847) its income was \$3,650,000. Out of its revenues \$200,000 are annually paid into the ordinary treasury, \$1,650,000 set apart as a sinking fund, and \$1,000,000 for the enlargement of the canal, and for other improvements. Well might it be said that this work is a "part of the greatness" of New York!

And why may not a similar improvement through the heart of Virginia become a part of *her* greatness? Why may not something of the astounding results that have marked the history of the Erie canal attend a water line connecting the tidewaters of Virginia with the boundless West?

In many respects the two are analogous. The James river canal, it is true, does not pass through so broad a valley, but, like the Erie canal, it has important lateral auxiliaries, and like it, would open, if extended to the Ohio river, upon a region of vast extent and endless resources.

In *some* respects our improvement has the advantage, and the most decided advantage. It penetrates a region filled with minerals; the Erie canal does not. Ours, therefore, would take a copious tonnage from this source which the latter cannot.

But the great and invincible advantage lies in the superiority of our climate. While the New York canal is obstructed by ice for more than a third of the year, ours would be open generally the whole year. This alone would draw to our water line a vast amount of trade, and there can be little doubt that the early spring supplies furnished by the city of New York to the Western markets, would be shipped to Richmond, and pass through the James river canal.

Ours has yet another advantage of the utmost moment. It would be a continuous line, requiring no transshipments, no breaking of bulk; and avoiding, consequently, the annoying delay and heavy expense of transhipment. A barrel of flour, for example, might go from Cincinnati to Richmond without being once moved after starting; going to New York, it is shipped at Cleveland and unshipped at Buffalo, undergoing before it reaches New York five different transportations. In the former case it would travel 590 miles, in the latter 1,183; so that a continuous Virginia water line would have also largely the advantage in distance.

Many are skeptical, it is true, as to the practicability of carrying

the canal over the mountain, but examination of the subject will dispel many a doubt on this point. The solution of the question will be found to depend on settled scientific principles, and to scientific investigation it has been submitted with the most favorable results. Many of the most distinguished engineers in the United States have made the necessary reconnoissance, and expressed the confident opinion that abundant supplies of water may be had for the summit level, and that the scheme is entirely feasible. Among these are Judge Wright, Major Wm. G. McNeil, Charles Ellett, E. H. Gill and Walter Gwynn. And more recently a geological examination has been made by Professor Tuomey, of the Alabama university, a distinguished geologist, who reports the geological formations as eminently favorable to the plan of artificial supplies for the summit level.

Authority so eminent ought at once to settle the question, but there is yet higher authority, that of experience. Numbers of canals, both in this country and in Europe, have been carried over the mountain, and their summit levels supplied by means of reservoirs and other artificial contrivances. Among these are the Ohio canal, the Union, Chesapeake and Delaware, Erie and Michigan, West branch and Alleghany, Chesapeake and Ohio, in the United States, and the Straw-bridge, the Birmingham and Worcester, the Grantham, the Stafford and Worcester, the Erewash, the Rochedale and Huddersfield, and Oxford canals in England. Surely what has been so often done heretofore, may be done hereafter.

The statesmen of New York make it a constant boast—and well may they make it—that in defiance of all competition, the great thoroughfare for American trade must be through their state, and the city of New York the great market town of the Union, despite of all the efforts that are making to wrest from her the commercial sceptre. And these felicitations are predicated on the basis that, by means of their water line, the wheat, flour, timber, and other productions of the great West, can be brought to the city of New York at cheaper rates than they can be, by any rival channel, taken to other cities. The position is well taken: for, while the Erie canal bears annually upon its bosom two millions six hundred thousands of tonnage, the railroad by the side of it transports only twenty-nine thousand! The railroads from Boston, it is true, have wrested from the Empire city quite an amount of the lighter trade; but there stands the indestructible monument of Clinton's genius in all its imposing grandeur, defying even the grand conception of Fulton, and rolling down those millions of *heavy trade* that form the basis of that mighty commerce which has made tributary to the city of New York the Union beside, and that destines her to be the commercial centre of the world.

How forcibly does this reasoning of the men of New York address itself to the statesmen of Virginia! If the greatness of our Northern sister be owing so much to the unrivaled cheapness of transportation afforded by her water line, and if by this means so much of the commerce of the country is grasped and retained, how loth should we be to give up the idea of extending our canal to the waters of the West? Why should we abandon an instrumentality which has made a sister state so prosperous and powerful?

Taking cheapness of transit to be the great attraction of trade, we may claim a vast business for a continuous water line through Virginia. A large portion of the heavy trade now going down stream to New Orleans, and much of that now seeking the Northern cities by the lakes and various artificial channels, would be diverted by our line to our cities, it being the shortest and cheapest, as well as the most certain channel of transport between Tidewater and the West. By this means, we shall take to ourselves a portion, and a liberal one, of that commerce which constitutes the greatness of New York. It must be so—it is a law of trade, and the result must come. It can no more be arrested than the tides or gravitation. Open when you will and where you will, a shorter, cheaper and more certain avenue for trade, and it will instantly desert the old channels to seek the new.

Your committee have said thus much in behalf of the water line policy, not with the view of urging its extension to the Ohio, but with the hope of removing some of the prejudices which are operating as impediments to its extension even to Covington. To the latter point they do, by every consideration of sound policy, advise it to be carried. Arrived there, it must await the developments of the future. Among those developments will be found, your committee trust and believe, that increased income to the canal which will furnish means of its own for its more western extension, and that favoring change in public opinion that shall help it on to a glorious consummation.

II. THE CENTRAL RAILROAD.

The energetic prosecution of this important work to its western terminus, your committee consider as called for by the weightiest considerations of the state's interest.

We want and must have *some through line to the Ohio river*. Improvements more local in their character will doubtless be productive of much benefit to the respective neighborhoods accommodated by them; but the great results of our internal improvement system can never be attained, until, by some easy line of transit, we tap the great Western Valley. Tidewater must be made to extend to the far West and the far West back to Tidewater, or our system must fall far short of its legitimate destiny.

We require a *through line* of connection as the only means of obtaining for our state that indispensable element of national prosperity and power—foreign commerce.

At present our trade is but a system of petty retail. Our merchants buy at second hand and sell at third. Our consumers pay, consequently, three profits instead of one, and double charges for transshipment and freight. Commercially, we are envasseled to the North. In a word, we have none of what we call commerce in its elevated sense—that is, participation in the great export and import trade of the country.

The extent of our commercial dependence and of our loss of wealth resulting from the want of a direct foreign trade, a few statistical data will clearly exhibit.

The imports into the United States for 1850-51 amounted to \$178,138,000, and the population of the United States is 23,000,000. The population of Virginia is 1,428,000, and her annual proportionate consumption of the imports about \$11,000,000. Of our proportion of this consumption we import the insignificant aggregate of \$426,599; less than half a million! In plain truth, we have no foreign commerce that deserves the name. And the all important enquiry arises, How shall we obtain it, or rather regain it?—for once we possessed it.

If there is any other instrumentality than that suggested by your committee, a through line of ready transport between the East and the Great West, your committee have not been able to conceive it.

Commerce is successful and complete only when the export cargo takes back to the point of export the import cargo. Then the whole profit of the commercial transaction is realized at the point of export. Not only does the *merchant* at that point make *his* profit, but the ship chandler, the ship builder, the sail maker, the caulker, the rigger, the drayman, the laborer, and all other vocations connected with the shipping interest, come in for their share of the beneficial part of the operation. But, if the export go from one city and the import return to another, the profit is divided between the two—the “lion’s share” falling to the city which takes the import.

Now, the effect of a through line to the West will be to make the *exporters* from the cities of Virginia *importers* to them; in other words, it will blend in the same person the double character of exporter and importer, and secure to ourselves the *whole* commercial profit. It will furnish not only the export article, but an avenue by which the *imported merchandise taken in exchange may cheaply and speedily reach the almost illimitable markets of the West.*

Admitting the Virginia merchant to have a valuable cargo of tobacco, flour or other products to take to the foreign market, what inducement has he to take back to his shipping port the return cargo? After supplying the limited neighborhood demand, what disposition can he make of his surplus stock without some channel of transit to the great consuming markets of the interior? And why is it that, when a Virginia merchant *does* export, (which not often happens,) he orders the return cargo to some Northern city? Why, except that thence he may speed it off, the whole of it, to the extensive interior markets by the various lines of artificial transit connecting with them?

To illustrate more familiarly, why is it that Richmond and Norfolk have next to no direct foreign trade, do no importing, while Baltimore, Philadelphia, New York and Boston import, not only for the countries respectively around them, but for remote sections of the Union? It is because the former have not, and the latter have, internal lines of transport, which, while they bring assorted cargoes to their warehouses for the basis of commerce, send off the imported merchandise received in exchange with speed and certainty to the inland markets of the country.

The merchant of Virginia, to take another illustration, may send his bale of goods by railroad to Charlottesville or by canal to Buchanan; but where the canal or the railroad stops, there the wagon

starts; and the bale of goods can no more reach the great transallegany market than it can the moon. The merchant of New York or Boston, on the other hand, starts off a bale of goods to-day, and to-morrow it is traversing the valleys of the distant West. The one has a contracted narrow market before him, and no inducement to large importations; the other has opened to him, by railroads and canals, a market almost boundless, to invite and to absorb the largest importation he can make.

Still further to enforce your committee's reasoning, it is worthy of note that every state that has struck for the Western trade has done so through the medium of internal improvements, and that each one that has established a through line of communication with the Western valley has been rewarded with a prosperous commerce, and with commerce have come the mechanic arts, augmented population, and increased political consequence and power.

If then we would obtain for Virginia a direct foreign trade with all its enriching ramifications; if we would have to flourish among us the mechanic arts, that necessary element of individual and national prosperity; if we would strengthen the political power of the state and save to her people the millions they now annually pay to Northern importers by reason of an indirect commerce, we must do as our more sagacious and enterprising sisters have done before us—push our internal improvements through to the West.

We want a through line, too, to develop manufactures among us. We must by this means bring Richmond and Petersburg (blessed with inexhaustible water power) nearer to the Western markets than Lynn, Lowell and Boston, and this done, the thing is accomplished. The greater convenience of our cities to those markets will soon stimulate this important branch of domestic industry into active being.

A through line, too, affording as it undoubtedly will, conclusive demonstration of the value of our internal improvements in the increased activity imparted to business in numerous departments, in the enhanced value of lands, in the swelling tide of travel, in disburthening agriculture of high charges of transportation, in an enlivening commerce, in augmented revenues and increased general prosperity and wealth, will reconcile our people to the policy, and fix on the broad, firm basis of popular approbation the only system that can make ours the great commonwealth she should be.

What through line should be adopted, the legislative wisdom must determine. But your committee are firmly persuaded that the Central railroad is for many reasons to be preferred.

First, it is to pass through a portion of the state which can be accommodated by no other improvement. As was well remarked by Gov. Floyd, in his late interesting report as president of the Board of public works, "it traverses a section of the state entirely distinct and separate from that which is tributary to the Virginia and Tennessee road. It is a necessary outlet to the trade of the counties along its completed and projected route. Considered as a local work, accommodating the trade of a large, populous and fertile region of country, it is second in importance to no other work of the kind in progress."

It will accommodate a much larger area than the Virginia and Tennessee road. The country it is to traverse has more acres, more white population, more value in land, and pays more taxes, exclusive of merchants' licenses. The difference in favor of the Central route is, of land, 1,810,700 acres; of free population, 8,901; of real estate values, \$18,048,508; of taxable property (excluding licenses) \$32,579.

Some idea of the extent of country along the Central route may be had by comparison. The area of Massachusetts is 7,500 square miles; the area within the scope of the Central railroad is 19,000 square miles; so that the Central road will have for its support a country nearly three times as large as all Massachusetts. Massachusetts has one mile of railway to every seven and a half square miles; the Central road one mile for every forty-seven. Now as the *way travel and way freight* of a railroad are usually in direct proportion to the extent of country within the circle of its influence, few railroads have better prospects of business and profit than the Central.

To adopt the New river route from Christiansburg would be, so far as facilities for market are concerned, to disfranchise, perhaps for ever, a large, fertile and interesting portion of the state, which would be neither policy nor justice.

In the next place, the Central route presents the superior advantage of a continuous unbroken connection. There will be no transshipments, no conflicts between rival companies, none of those annoyances and embarrassments which are found almost invariably to exist where one company has control of one portion of a line, and another company the control of some other portion. There will be no shifting of freight and passengers, and of course no delay to either. The car which commences its whistle on the banks of the Ohio, is sped, unobstructed, to the Tidewater end of its journey. There being no transshipment or other impediment, despatch is secured and expense avoided—considerations which cannot fail of giving to the Central railroad decided advantage over any broken line.

The importance of an unbroken line may be strongly illustrated by the difficulties which constantly occurred between the Louisa railroad company and the company of the Richmond, Fredericksburg and Potomac railroad, which are fresh in the recollection of all. Something of the same kind may be expected at the junction of the Virginia and Tennessee road with the Southside, and at the junction of the latter with the Richmond and Danville.

Thirdly, the Central railroad passes entirely through Virginia territory, will depend exclusively on Virginia legislation for its ultimate western extension, and will be controlled from one terminus to the other by a Virginia company, whose motive and interest it will be to make all discriminations in favor of our own state and her cities.

Fourthly, it will pass through the mineral springs region of Virginia, and develop a large wealth which never can be by any other projected improvement. It will pass immediately by the White Sulphur springs, and within a few miles of all the rest.

Your committee regard this a conclusive consideration in favor of the Central road. They are in possession of no data on which they

may base an estimate of the increased travel to result from this proximity to these celebrated watering places; but when it is borne in mind that we have in our mountain region every *variety* of medicinal waters, suited to almost every chronic infirmity of the human body, and highly curative in their powers, thus inviting the invalid of every class, and that those waters are located in a remarkably healthy region, surrounded by the most gorgeous and captivating scenery, we may safely calculate that the springs travel will be more than quintupled. Extend it from the springs to the Ohio, and this estimate may be as safely doubled. Whatever it may be, little or much, it will be so much clear advantage to the Central road over the proposed New river route.

Besides the increased travel which is to yield profit to the road, another source of thrift will be found in the large expenditure made by visitors to the springs. Your committee have no material for the calculation, but think they cannot err in putting down this expenditure at a million annually. In process of time, when large villages, almost towns, shall have sprung up at the White Sulphur, Salt Sulphur, Blue Sulphur, the Sweet, Warm, Hot, Bath Alum and Rock-bridge Alum, as at Saratoga, the amount annually expended will be swelled to an amount that will form an important item in the wealth of that region.

Your committee are inclined to think that the development of the capacities of our mineral spring region, would, of itself, justify the construction of the Central railroad. Such an element of wealth would be fostered to the last degree by any of our Northern sisters. *They* explore every source of wealth and cultivate every branch of enterprise; and the diffusion of general wealth and comfort among their people is the reward. Had New York and Massachusetts a mineral spring region like ours, they would, by it, lay under moneyed contribution every quarter and section of the Union.

A fifth reason for preferring the Central route is, that it will be far more likely to take the Western travel bound northward than any with a more southerly deflection. From Cincinnati to Washington, by the Virginia and Tennessee road, the distance is 723½ miles; from Cincinnati to Washington by the Central railroad, 608 miles: a difference, decided and conclusive, in favor of the Central, of 115 miles.

For the Western travel bound for Richmond, the chances of the Central and Southwestern roads will be nearly equal; though, according to the report of the Southside railroad company, the difference is 3½ miles in favor of the Central.

Again, the Central *may* compete with the Baltimore and Ohio railroad for the travel, but the Virginia and Tennessee never can.

The distance from Cincinnati to Washington, by way of the Central road, is 608 miles: from Cincinnati to Washington, per Parkersburg branch of Baltimore and Ohio railroad, 602 miles; a difference, in favor of the Baltimore and Ohio railroad, of only 6 miles, which is more than offsetted by the lighter grades of the Central road, by better climate, and by its passing through a more attractive country. The advantage of the Baltimore and Ohio railroad in the distance

from Cincinnati to Baltimore, is, it is true, a few miles in favor of the former road over the Central; but it is an advantage more than counterbalanced when the distance is equated by the standards just mentioned. But the distance by the Virginia and Tennessee road to Washington and Baltimore, being more than 100 miles in favor of the Baltimore and Ohio railroad, the former can never compete with the latter, while the Central road, for the reasons stated, may.

Now, if the Central road will take the travel, in preference to the Virginia and Tennessee, the reason for preference of the former over the latter seems irresistible; for it establishes yet another ground of preference of the Central route: *that it will take not only the travel, but the trade also.*

It is a well established fact in railroad experience, that the more travel a railroad has the more trade it has the power to take, because it can discriminate in favor of the trade, by levying a part of the charge of transportation on the travel. Travel will bear a high charge, because in each individual case it is insignificant, though large in the aggregate: but trade, being in large quantities to a single owner, will not bear the imposition which travel can. A railroad, for example, having a passenger freight worth half a million of dollars, may afford to carry trade freights, even the heavy, at a far smaller rate of transport than one that has a passenger tollage of one hundred thousand dollars: the latter would be ruined in a contest with the former, because, in the one case, nearly the whole cost of maintaining the road would be thrown on the trade, which could not bear the imposition, while, in the other case, it would be imposed on the travel, that could.

If this position be true, the Central railroad must take the trade in preference to any competing Virginia line now projected. It will monopolize the springs travel, and receive a large through travel from the West, besides the way travel of an extensive area. With this travel, it can do what the New river branch of the Virginia and Tennessee road cannot—make such discriminations in favor of the products of the country and other trade, as to secure them beyond peradventure. For the same reason, it is the only Virginia improvement that can compete with the Baltimore and Ohio railroad for the trade of the West.

But the most overruling consideration of all in favor of the Central railroad is, that that portion of it extending from Covington westwardly will be an important feeder to the canal, and will secure, in connection with the latter, the whole of the heavy trade.

It has been already shewn that the water line, by reason of its cheaper rates of transmission, will powerfully attract the heavy trade; and this being conceded, it follows that a railroad connecting with the attracting terminus of a water line will be much more likely to catch the heavy traffic, destined for a distant market, than one having no water line connection. Such a traffic might well bear the transportation of a compound line for a long distance, when it would not for the same distance on a continuous railway.

The easy grades, too, from the Ohio river to Covington, nowhere exceeding 40 feet per mile, will give the Central road great advan-

tage in expediting the delivery of heavy freights at Covington. Covington indeed, (to adopt the words of the able chief engineer of the Central railroad,) "will become a huge warehouse of Western produce, and also of the way trade of Western Virginia."

In this connection occurs another recommendation of the Central road. What the Virginia and Tennessee road can scarcely do, it will, in connection with the canal, furnish an eastward outlet for the cannel coal abounding in the valley of the Kanawha, and thus develop a new and most important element of Virginia enterprise and wealth.

And lastly, the construction of a railroad from Covington to the Ohio is the best, perhaps only reliance, for the extension of the water line to the Ohio river.

For certain reasons—whether well or ill founded, it were bootless to enquire—the James river and Kanawha canal has fallen under a heavy public odium. It is the weakest, in public favor, of all the improvements of Virginia. Though promising golden results, when, like the Erie canal, it shall have opened on the prolific valleys of the mighty West, it has no more friends in the legislative halls than the most meritless mud turnpike, while to the body of the people the "miserable ditch" is yet more distasteful.

To reinstate the canal in the public estimation will require some extraordinary agency. There must be generated some overpowering, irresistible argument in favor of its westerly extension; and this argument can be generated only by the construction of a railway from its western terminus at Covington to the Ohio river. That being done, the utter incapacity of a railroad to accommodate the Western trade will become matter of even ocular demonstration—will be made palpable to all. The railroad by the side of the Erie canal, transports but 1-89th part of the tonnage of the canal, and it would require, as we have already seen, six railroads with double tracks to do the business of the canal. We shall have something of the same demonstration when we extend our Central railway to the Ohio. To borrow the expressive idea of Gov. Floyd, we shall have "accumulating products struggling for transit;" and then it will be seen that though a well constructed railroad may do much in the transportation of the Western trade, it will be inadequate to accommodate a tithe even of what will rush to it for transit eastward. Then it will be seen—it is to be feared not till then—that the larger capacities of the canal are indispensable to accommodate the boundless trade of the West; and then all will exclaim, "We must have the canal."

Some objections have been made to the Central route, which your committee deem it not improper to notice.

Its grades are said to be less favorable than those of the New river route. This might be so, and yet the Central route be preferable. Controlling considerations, such as those already urged, might more than counterweigh any slight superiority in grades.

But it is a sufficient answer to this objection, that the grades of the Central road *from the Ohio river to Covington*, a distance of 228 miles, half the distance to Tidewater, are exceedingly favorable, not ranging

above 40 feet to the mile. These easy grades will enable the cars with heavy loads to disburthen themselves with despatch at Covington. For the main purposes, then, of the heavy traffic, the grades of the Central route are amply favorable.

The grades this side of Covington, it is true, are more unfavorable, there being at the pass of the Alleghany two short gradients of 106 and 92 feet per mile, but these are not too high *for the travel*, and may be obviated, as to the heavy freights, by the employment of additional motive power. Two additional engines, it is said on good authority, will reduce these high grades to 40 feet per mile, at a cost entirely insignificant compared with the ends to be attained.

Besides, in point of gradients the Central road will be far superior to its great competitor, the Baltimore and Ohio railroad. On the latter there is one continuous grade twelve miles long of 116 feet to the mile. (See report chief engineer V. and T. railroad, Board public works, p. 517.) Yet no one doubts—all expect—that the latter great thoroughfare is to command an immense business both of travel and trade, and to add annual millions to the commerce of Baltimore. There is no such grade on the track of the Central road. Why, then, may not the grades of the latter answer for all the purposes of travel and trade? If the Baltimore and Ohio railroad, with its 116 feet grades 12 miles in length, is destined to a splendid success, (as all anticipate,) why may not the Central road, with gradients eleven feet less, also succeed? Why should Virginia abandon her route because of its short 92 and 106 feet gradients, when Maryland is vigorously pushing on hers, with long gradients of 116 feet to the mile? There can be no reason for it, unless a foot of gradient in Virginia is harder to be overcome than a foot of gradient in Maryland.

To the complaint, that the trade will pass off at Staunton to Baltimore, it is enough to reply, that trade delights in the shortest, quickest and cheapest transit; and the distance from Staunton to Baltimore being 82 miles greater than from Staunton to Richmond, the latter city must and will take the trade. Besides the saving of 82 miles of distance there will be a cash saving in favor of Richmond of \$2 06 per ton—circumstances which will ensure the trade to that city.

Trade likewise abhors transshipment, because it involves both delay and expense. Diverging from Staunton for Baltimore, it encounters a transshipment at Harper's Ferry, where it often waits and suffers exposure until the Baltimore company finds it convenient to take it on its road; and embarrassed in its transit, as it must be, by passing through the hands of three distinct companies—Staunton and Winchester, Winchester and Harper's Ferry and Harper's Ferry and Baltimore—it must reach Baltimore burdened with numerous charges and delayed by many stoppages, all which it will escape in an unimpeded transit to Richmond.

The cost of the work is also made ground of objection. The cost, it is true, will be very considerable—\$5,000,000 to the Ohio, or \$4,160,000 to the head of steam navigation on the Kanawha—but the work is a great one, and its benefits will be great—immense, may we not say?—such as will amply compensate for the expenditure, how-

ever large. Its cost, however, will be but one-fifth of that of the Erie railroad, from which a gross revenue is expected the present year of four millions of dollars!

And lastly, it is objected that the work is to be constructed wholly on state account. The answer is, that it must be built on this principle, or not at all. The country through which it is to pass having been for all time past excluded, by its mountain barriers, from the markets of the world, and being almost exclusively a grazing and stock raising country, has not, though vastly fertile, accumulated that surplus wealth which may seek investment in public improvements. We must, therefore, either build this great improvement, this "great continental highway," as Governor Floyd so fitly denominates it, wholly with the means of the general treasury, or give it up, and all its promised benefits, altogether and forever.

From what has been already submitted in regard to this noble work, your committee feel authorized to express the very confident opinion that the investment of the state's funds in its construction, will prove a profitable application of them. On so much of the road as is completed to Charlottesville, the dividend is 7 per cent., which is an actual income to the treasury. And when it shall have been extended to the broad and fertile Valley of Virginia, gathering up the products of the great county of Augusta and the surrounding region, bisecting the mineral spring region of the state and passing on thence to the mighty Valley, where lies the trade that will make a score of cities prosperous and rich, and whence will issue a travel that will overtask a dozen and more of the best railways that man can build—when thus carried out in all its legitimate extensions, who shall say that its revenues are not destined to a large augmentation throughout the entire length from Richmond to the Ohio?

Your committee conclude this branch of their subject with the following extracts from the excellent message of our present governor:

"From this point, I most earnestly recommend the construction of a railroad, on state account, to some point on the Ohio river deemed most eligible upon a full reconnoissance of the several routes heretofore contemplated, having in view the valuable trade of that river, and ultimately a railroad connection with the cities of Cincinnati and Louisville. * * * * The advantages of this connection to the whole commonwealth, in an economical and financial view, will be almost incalculable. As a connection of local works, it will confer important benefits upon half the state. Terminating upon our Western border at Guyandotte and Point Pleasant, (the latter 87 miles below the terminus of the Baltimore and Ohio railroad,) and on the East at Richmond, Fredericksburg and Alexandria, in addition to the vast amount of local trade and travel which these improvements will accommodate, they will operate in wholesome competition with the Maryland and Pennsylvania lines for the business of our northern counties bordering on the Ohio. It is clear that while a railroad across the mountains can be made to operate as a feeder to the canal to the full extent of that portion of trade which can be transported at less cost by water, it can also distribute upon the roads already con-

structed (and in which the state is deeply interested,) a very large amount of business which by no possibility could be effected by the canal, if completed—thus giving active employment to the whole connection, sufficient to produce from the tolls alone a revenue that will liquidate the debts existing and yet to be contracted.”

III. RICHMOND AND DANVILLE RAILROAD.

This improvement crosses diagonally a most fertile and highly cultivated country and when completed will connect the city of Richmond with the valleys of the Roanoke and the Yadkin, and make tributary to that city an extensive and productive portion of North Carolina. Besides being the best tobacco growing region in the world, it is also well adapted to the growth of the cereal grains, the production of which, as well as of its leading staple, tobacco, will be greatly stimulated by the completion of this improvement.

Some have been disposed to disparage this work; but your committee think without reason. It penetrates one of the richest regions in the world, the Roanoke valley, a valley much broader than that of the James river, and capable of as large a product as any similar extent of country on the face of the globe. Four counties located at its southern terminus are said to produce one fourth of the whole tobacco crop of the state. A region of productive capacities so rare, will feel, in the highest degree, the stimulating effect of a line of transit that will forward its new staples to market at moderate rates, and must furnish a very large addition to the trade of Richmond. The beneficial effect of no improvement is to be sooner or more sensibly felt by that city than that of the Richmond and Danville road. Its whole trade must go thither; it can go no where else.

The beneficial bearing of this improvement on the agricultural interest it affects, may be illustrated by a few facts. Before it was in operation to Jetersville, the cost of getting wheat from Nottoway county to the Richmond market was 25 cents per bushel: now it is seven. The cost of transporting tobacco from Danville to Richmond is, on an average, one dollar and twenty-five cents per hundred, and in fact a hogshead of tobacco may be brought from St. Louis to Rocketts at a less cost than it can be from the Roanoke country to the warehouses of Richmond. This is a tax upon the farmers of that region next to unendurable. No other staple could bear it. Indeed, the production of that region, fertile as it is, is confined to a single staple, because no other can bear the present enormous rates of transportation; but the completion of this road will relieve its industry of the heavy burdens that now depress it.

Another consideration commending this improvement to the favor of the legislature is, that it is to become a portion of a continuous railway line from Richmond to Montgomery in Alabama, as, when it shall have reached Danville, it will want but a single link of about 30 miles to effect this long Southern connection.

The monthly receipts of so much of the road as is completed amount to \$6,000, which will be increased to \$8,000 when it reaches

the Southside junction—a cheering augury for the revenue prospects of the work.

The sum required for the completion of the road is \$600,000, for which amount your committee recommend a loan to the company, on condition that it secure to the state the payment of an annual interest of 7 per cent.

There are strong reasons for this plan of aiding the company. The burden of private subscriptions heretofore made, has been borne almost exclusively at the two termini of the improvement, the intermediate country subscribing little or nothing. And the means of those who have thus far sustained the work being exhausted, there is no hope of raising such further private subscriptions as will be required for the completion of the road. Without a loan, therefore, as now recommended, the probability is that its completion will be long delayed, if not indefinitely postponed. The strongest reasons, it may be added, exist for the speediest possible completion of this work; for besides the instant relief it will give to the planting interest in much diminished transport charges, it will cast instantly an immense increase of trade upon our principal city, and afford a revenue.

IV. SOUTHSIDE RAILROAD.

This is a most valuable improvement. Connecting at Lynchburg with the Virginia and Tennessee railroad, it is to be part of a continuous railway from the Tennessee line, and ultimately from Memphis through Petersburg to Norfolk, and must become an important thoroughfare both for travel and trade. It possesses the great advantage of exceedingly light grades.

Like the Richmond and Danville, this work has been already to a great extent provided for, and the only question is, Whether the small state subscription required to complete it, \$360,000, shall be made? Your committee advise it by all means. Of the profitable character of this investment there can be little question; the very light grades reducing greatly the expense of annual maintenance, will add greatly to its business, and render profits certain. As part of a line connecting the great Western back country with the extreme seaboard of Virginia, its value is scarcely to be estimated.

V. VIRGINIA AND TENNESSEE RAILROAD.

The merits of this improvement have been the subject of so much and recent discussion, and are so generally acknowledged, that little is left for your committee to say in its behalf, except that it is a magnificent work, and deserves the highest favor of all who would advance the fame and prosperity of the state. It runs the whole length of a valley more than 200 miles long, which possesses not only great agricultural resources, but unbounded mineral wealth. Inexhaustible beds of gypsum, lime, salt, lead, iron and coal sleep along nearly its whole line, which will be never waked up but by the engine's whistle.

By completing it to the Tennessee line, we shall regain a commerce,

now entirely disappeared. Formerly, most of the merchandise consumed in Southwestern Virginia and East Tennessee was supplied by the merchants of Richmond, through the medium of wagon transportation from Lynchburg. The whole of this trade has passed off by the South Carolina and Georgia railroads, but it is not too late to reclaim it.

The company call for a state's subscription of three-fifths of \$750,000, equal to \$450,000, which will complete its road. The state is required by every consideration of pride and interest to make the subscription.

The weightiest possible considerations, indeed, demand that the execution of this great work be retarded not even for a day. It will, beyond all doubt, the moment it is finished to the Tennessee line, make return to the treasury; and passing through a country of exceeding richness, both agricultural and mineral, its early effect will be to cast upon the cities of Virginia a vastly augmented trade; and its rapid progress in the direction of the Tennessee line will have the further important effect of stimulating the advance of the proposed improvements in east Tennessee, which are to form links in the great chain of connection which is to unite the Virginia and Tennessee railroad with the Mississippi at Memphis. Procrastination, under such circumstances, will be a loss, and a serious loss, not of money only, but of great agricultural, commercial and social advantage.

On this account, the energies of the Virginia and Tennessee railroad company should be devoted to the vigorous prosecution of their great work to its original destination, the Tennessee line. No diverging branch should divide its means or its efforts; otherwise the main trunk may be endangered. The private subscriptions required to realize the whole of the state's subscription heretofore made, have not yet been raised; and if a further demand is made upon the Southwest for the private contributions necessary for a new branch, the strongest probability is that the whole work will be brought to a stand. If the private subscriptions for the main trunk are not yet raised, whence are to come the means for a diverging branch longer and costlier than the original line?

VI. ORANGE AND ALEXANDRIA RAILROAD.

This road is, at present, unfinished; the company charged with its construction being first organized on the 11th day of May 1849. When finished, it will extend from the north end of Union street, in the town of Alexandria, to the Virginia Central railroad at Gordonsville; from which point it will connect that great work with the tide waters of the Potomac, traversing in its course the counties of Fairfax, Prince William, Fauquier, Culpeper and Orange. For the travel and trade of that large district of country, with the partial exception of the imperfect navigation of the upper waters of the Rappahannock river, and a wretched system of county roads, this improvement will furnish the only accommodation.

At the distance of twenty-eight miles from Alexandria, it connects

with the Manassa's gap railroad, and at the further distance of about forty miles it sends off a branch to Warrenton, the county seat of Fauquier.

The Manassa's gap road is completed from the junction to the point where it crosses the Fauquier and Alexandria turnpike, and already intercepts the travel and trade that heretofore found their way upon that road. In the present year it will be completed to the eastern base of the Blue Ridge, and in its progress thither will accommodate the travel from Winchester to Alexandria and the cities of the district, and the trade that finds its market upon the Little river turnpike.

At Warrenton a connection will be formed with the macadamized road, already completed to within seven miles of that town, leading from New Market in the county of Shenandoah, through Page and Rappahannock.

The process of laying the rails is now in operation, and the work is advanced a few miles beyond the Manassa junction; but before it reaches that point, and when a distance had been obtained of only twenty-seven miles, the company derived from its business daily receipts averaging about one hundred dollars. The junction with the Manassa road has considerably increased their receipts, and they must be still further increased as that valuable auxiliary progresses towards the mountain.

By the month of July the road will be extended to its point of intersection with the Warrenton branch, and then it is confidently anticipated that it will yield a revenue considerably exceeding its current expenses.

The counties of Alexandria, Fairfax, Prince William, Fauquier, Culpeper and Orange contain an arrea of 2,500 square miles of territory, and an aggregate of 72,079 of population, and they together pay, according to the present rate of taxation, the sum of \$53,702 78 into the public treasury. If, therefore, the sole purpose of this improvement was to accommodate the travel and trade of these large counties and develop their resources, it is confidently asserted that its importance would well entitle it to public favor. But these are not the only counties directly interested in its success: Rappahannock, Madison and Page depend upon it for accommodation; and when the statistics of these counties are added to the estimates above, their amounts will be swelled to 3,050 square miles of territory, 99,068 of population and \$69,241 86 of public taxes.

When to these considerations is added the fact that this road is to supply the main trunk for the entire business of the Manassa road, its value to the great agricultural interest cannot be too highly estimated. This latter road, traversing the rich lands of Upper Fauquier, is now gradually lifting itself to the summit of the Blue Ridge, and will soon bring in connection with the Orange and Alexandria road the teeming fields of the Great Valley. But independent of all other considerations, the fact that the Orange and Alexandria road furnishes the most direct route for both the Southwestern and Northwestern travel to the Atlantic cities, must of itself give it a value, in point of

public interest, that will command for it a place in the first class of improvements. It constitutes a necessary link in any chain of roads by which the state may seek to avail itself of the pecuniary profits and commercial advantages of the contemplated connections with the Ohio and Mississippi. Its present connection with the Central road, should that be pushed on to completion, and its future connection with the Virginia and Tennessee road, in supplying the shortest transit to the Atlantic cities, will give to those works a controlling advantage over all competitors, and be the means of securing a rich return for the vast outlay necessary for their construction.

It is not supposed that the heavy freight from the direction of the Mississippi or the Ohio will seek its market upon this road: arriving at Covington or at Lynchburg, the James river canal will furnish for it a ready and cheaper transportation. But if this be not true, it is impossible to believe that the distant town of Alexandria could successfully compete for it with the cities of Richmond, Petersburg and Norfolk. There is no reason, therefore, why those cities should indulge in any jealousy towards their humble sister, or that those interested in the improvements leading to them should be stimulated to opposition against this road.

The prosperity of those cities cannot depend upon the mere transit of fugitive travel through their limits, but must rely upon the substantial and enduring benefits to be derived from the rich trade in the commodities that will seek a mart at their wharves.

But with the traveler time is everything; directness of route and expedition invariably govern his course. In these respects, it must be conceded, the connections proposed by this road possess controlling advantages, and are absolutely necessary for the perfection of our contemplated system.

Upon the profits of travel at last these great works must rely for a revenue which will enable them to reduce their tolls on heavy freight to a rate sufficiently low to attract to our own cities the trade of the West, and render tributary to their growth the great father of waters and the mighty rivers that swell his floods.

The distance from Alexandria to Gordonsville by the railway is a fraction less than ninety miles, and from the intersection of the Warrenton branch to that town a fraction less than ten miles, so that the entire length of railway will be about one hundred miles. The company was incorporated with a capital stock of \$ 937,500, which was subsequently increased by the sum of \$100,000 for the construction of the branch to Warrenton. Of this stock the state owns three-fifths.

The amount of capital was originally estimated upon a plan of construction with a flat rail; and had that been pursued, it is probable that the amount then provided would have been sufficient for the work. But the experience of other companies upon whose roads the flat rail was used had so strikingly demonstrated the disadvantages of that rail, that this company, at an early day after its organization, determined to lay their road with the bridge rail, weighing fifty-one pounds to the yard, and the work has progressed to the present time according to that plan.

The use of the heavy rail necessarily involves greater cost and renders it necessary that the means at the disposal of the company should be correspondingly increased, for which purpose it is advisable to enlarge their capital stock.

The amount needed will be, in addition to the claim of \$120,000 now under prosecution before the congress of the United States, \$420,000, the state's proportion of which will be \$252,000, an appropriation to which amount it is obvious wisdom to grant.

VII. MANASSA'S GAP RAILROAD.

This road extends from the junction with the Orange and Alexandria road, through the counties of Prince William, Fauquier and Warren, to Strasburg in the county of Shenandoah, a distance of 60 $\frac{1}{2}$ miles. It will accommodate a populous and productive region, and will tap the Valley at a most suitable point for obtaining the trade.

"This road (says its chief engineer) with its favorable gradients, curvatures, small cost of construction, and resources and fertility of the district accommodated, must place it amongst the most profitable lines of railroad in the country."

On another account this improvement commends itself most strongly to the favor of the legislature: it will attract to a Virginia town an important trade which now passes off by the Winchester railroad to Baltimore, and to the extent of the trade it will divert from the latter city to Alexandria, it will fulfill the grand end of our internal improvement system—the building up of market towns within our own state.

The extent of this diverted trade may be judged from the fact that the four counties of Rockingham, Shenandoah, Page and Warren produce for exportation annually 270,000 barrels of flour, most of which now finds a market in Baltimore.

There are also in Page, Shenandoah and Rockingham, eight furnaces and seven forges, all in successful operation, which will contribute a considerable tonnage for the road, and a fine trade for Alexandria. And in all probability, the effect of this improvement, penetrating, as it will, a region inexhaustibly abundant with iron ores, will be to stimulate the iron business to an important extent.

Sound policy requires this work to be completed to Strasburg at an early period, because until it reaches that point it will not be able to sustain itself. The sum required for its completion to that point is estimated at \$400,000, to which amount the capital stock should be increased, the state's three-fifths of which will be \$240,000.

Of the original capital stock of \$800,000, the state has heretofore taken only two-fifths, while in all other cases it has subscribed three-fifths. There is no reason for this discrimination against the Manassa road, and your committee recommend, accordingly, that an additional fifth be subscribed by the state to the original capital stock of the company, making the state's whole subscription \$400,000.

VIII. NORFOLK AND PETERSBURG RAILROAD.

The company charged with the construction of this road was chartered at the last session of the legislature, but is yet unorganized. Preliminary surveys, however, have been made, which exhibit results unusually favorable. The grades are light, and the cost will not exceed \$11,000 per mile—the cheapest railroad in the state, perhaps in the whole country.

The importance of this road is too apparent to require a lengthened exposition of its merits. It is enough to know that it furnishes to our noble seaport what it has so long needed, an extensive back country, whose vast and varied products shall form the basis of a future and brilliant commerce; and that it supplies the “last link” in the great chain of improvements projected by our own and other states, which is to bind together the distant West and the seaboard of Virginia, and to connect the channel of the Mississippi with the deep waters at Norfolk. When this last link shall be fitted in, Virginia will stand on the same favored footing with her enterprising sisters that have aimed for the Western trade. Like them, she will have a facile line of transit from her seaport to the great producing and consuming regions of the interior, and like them, she will reap a rich reward, in a flourishing commerce, prosperous arts, and increased activity in all the departments of industry and trade. Unless all the results of past experience shall be falsified by the developments of the future, the completion of this road and the connecting improvements, will date a new and a bright era in the commercial history of Virginia.

The cost of the entire work will be only \$800,000, of which the state's subscription will be \$480,000—a sum too insignificant to be thought of in comparison with the important benefits to result from its construction.

IX. IMPROVEMENT OF THE LOWER JAMES RIVER.

This improvement is proposed to be accomplished by removing the bars near Rocketts called the Richmond bar and the Warwick bar, and one below City Point known as Harrison's bar. At present, vessels drawing not more than 14 or 15 feet come up as high as Warwick fully laden, though not without difficulty and danger, while no vessel drawing more than 10 feet can reach the wharf at Rocketts. The improvement proposed, when completed, would give 17 feet water all the way to Richmond, and would enable ships drawing that depth of water to load and unload at her wharves. This would accommodate merchant ships of the largest size, which is considered advantageous in the freight trade. The removal of Harrison's bar would allow the largest sized merchantmen to pass down the river fully loaded, whereas now they pass Harrison's bar partly loaded, and complete their lading by means of lighterage from City Point.

The importance of the improvement of the lower James river to the commerce of our state is so obvious to all, that it were useless to display it, and would be difficult to exaggerate it.

First of all, it would stimulate the direct foreign trade, which we all so much desire and the South so much needs, by enabling that class of merchant vessels which can advantageously engage in the foreign freight trade, to load at cheaper rates and with greater despatch than heretofore. Indeed, no matter what amount of the products of the interior may be concentrated at Richmond, that city can never enjoy a direct foreign trade of any consequence until, by the deepening of the channel of the river, she can take to her wharves the proper sized vessels for that trade, and give them despatch and cheap loading.

Nor will the improvement benefit the merchants only: it equally concerns, nay, more concerns, all those who obtain their supplies from the market towns situated on the James river, and all the farmers of the state whose crops are sent to market through its channel. The merchants are but the agents of the producers and consumers, who, being the principals in the business of the community, must pay the cost of transportation, as well as all the other charges of that business. The saving which will result to the consumers and producers who use the river for transportation, may be judged from the fact that the cost incurred in the form of lighterage alone, at the single port of Richmond, upon a few only of the principal articles at this time shipped from her port, amounts to more than \$38,000 per annum. This and other like charges, in connection with the high cost of drayage from the basin to Rocketts, constitute a heavy burden upon the commerce of the city and the planting interest of the state, of which they cannot be too soon relieved. Improve the river below the head of Tidewater, and complete the Tidewater connection, and a stimulus will be imparted to the commerce of the city, and a bounty given to the farming interest, which, being genially and generally felt, will many times compensate for the expense incurred.

It is equally plain that all the great internal improvements in which the state is so deeply concerned, and upon the success of which it is believed her future financial prosperity so greatly depends, whose eastern termini are at points upon the James river or its tributaries, and whose traffic must flow through that great artery of the commerce of the state, are alike interested in rendering the transportation on the river below the city of Richmond, safe, expeditious and cheap. Especially is this the case with all those lines of improvement extending from any of those points, either West or South, to the borders of the state, and which must compete for all the business beyond those borders with similar lines of improvement in other states, terminating at Atlantic markets having free and cheap access to the ocean. Indeed it is obvious, that this competition with our sister states for the trade of the West and South must be decided against us, unless, by a wise forecast, we furnish it the means of ready access, through our own markets, to the markets of the world for which it is destined. Indeed, the improvement of the lower James river is but an elongation of all the lines of improvement terminating at Richmond, in which they are all equally interested; for the cheaper and easier the exit of produce from the shipping port, the more will its access to it be stimulated.

The improvement is to be effected by dredging, and the cost is estimated at the small sum of \$115,000. Of this amount, \$63,000 will be required the first year, to purchase the dredges, and \$13,000 annually for four years thereafter. The practicability of making the improvement effective and permanent is beyond doubt, being established by several careful surveys made by eminent engineers. As the cost of the improvement is insignificant compared with the great benefits it promises, and as in the four years required for its completion, several of the important lines of transportation ending at Richmond will have been completed and in full operation, and the increased trade generated by them be ready for and require the improved exit afforded by deepening the river, your committee unhesitatingly recommend the necessary appropriation.

X. RICHMOND AND YORK RIVER RAILROAD.

This road is to extend from Richmond to some point on the deep waters of the York river, a distance of forty miles. It commends itself as furnishing the shortest connection between the head of Tidewater and the Capes of Virginia, and as likely to divert from Baltimore to Richmond a considerable trade now seeking the former mart. There has been no survey, but the cost is estimated at \$500,000, of which the state's subscription will be, on the usual terms, \$300,000.

So much of the special works considered.

One other branch of enquiry remains to be considered by your committee—What new works, if any, should be undertaken by the state?

Your committee have come to the conclusion, and with much unanimity, that considering the large number of works in progress, the amount of the state's indebtedness, and the very numerous and pressing demands upon the means of the commonwealth for improvements of every class and grade, sound policy requires that no new works of any magnitude be at this time undertaken.

Several improvements have been brought to the notice of your committee, which possess great merit, and which will doubtless be consummated in the course of time, when some of the leading works, now in progress, shall have been completed, and the condition of the treasury allow. But your committee have been struck with the wise suggestions of Governor Johnson, that "appropriations to internal improvements, which will not in all probability become dividend improvements, are not advisable," and that the "amount of our unproductive stocks should not be increased;" and they have accordingly come to the conclusion that it is the highest interest of the state to fix upon some well defined *system* of public works, to which her attention and means shall be principally confined, until the several works composing that system shall be finished; and they have recommended as that system the leading lines of improvement considered in the preceding pages of this report.

For the adoption of such a system numerous and forcible reasons strike your committee.

Foremost of all is this—that some limit to appropriations for this object must be fixed, or excessive taxation, and the consequent explosion of the whole policy, will be the consequence. Without a system, we are as a ship at sea without rudder or compass. We go, whither we know not, until we strike the rock or the shoal. If we do not mark out a stopping place, where are we to stop?

Secondly—The bringing down of our internal improvements to a system composed of leading lines, will strongly fortify the credit of the state; first, by satisfying the capitalists of the world, who may desire to deal in our stocks, of our discretion and moderation; and secondly, by furnishing them assurance, that by adopting the great lines as the basis of appropriations, the state will always have at hand an ample fund to meet her annual interest engagements. The latter is the ruling consideration with capitalists; and there can be no doubt that if the legislature will adopt the policy now recommended, our state stocks will command as high premiums as were ever awarded to government stocks in this country.

Thirdly—The enhanced price of labor arising from the increased demand for it furnished by too great a multiplicity of progressing works, will add much to the cost of construction, and diminish thereby the chance of profit.

And lastly—The gradual completion, by moderate appropriations, of the leading works now in progress, while it will avoid all necessity for onerous taxation, will furnish means for future improvements, reconcile the whole people to the beneficent policy, and thus place it beyond mishap. For we take it, that, as each leading work is completed, it will at once pay at least six per cent. on the cost, and of course, to the extent of its cost, relieve the treasury. For example, if a railroad costing a million be finished and pay 6 per cent., it ceases to be a charge upon the treasury to the amount of its cost, and the state may turn over the million to some other work. If the income exceed 6 per cent., there is positive revenue to the extent of the excess over 6 per cent.

The important enquiry then, is, Will the great works, (most of them now considerably advanced,) when completed, pay a dividend of at least 6 per cent.?

With the gratifying results of railroad experience before us we are not permitted to be the least skeptical on this point. All over the country—North, South, East and West—railroad dividends are running *beyond* six per cent. In New England they exceed eight; in many cases rise up to ten and twelve. Our own unfinished line, the Central, finished not one-fifth of its way, is yielding seven. The Erie railroad—the last grand test of the revenue capacities of railroads, though costing the stupendous sum of twenty-four millions of dollars—is yielding remunerating dividends. The gross receipts of this road, for the first six months after its completion, from July to December, amounted to \$1,755,000, and gave a nett revenue of \$917,029—a dividend of four per cent. for six months! In the single month of October they reached the almost incredible sum of \$356,563, and the gross receipts for the present year are estimated, on unimpeachable data, at \$4,000,000, which will give a dividend of 13½ per cent.

We need not wonder at the improving revenues of railroads, when we advert to their wonderful agency in multiplying travel. The Boston and Worcester railroad was estimated, in the beginning, for 23,500 passengers: in 1846, it carried 470,000. For the Boston and Lowell, 37,500 were reckoned: in 1846, the number was 400,000. For the Eastern railroad were anticipated 121,000: in November last, the number had swelled to 1,000,000! On the Massachusetts roads, and those running from that into other states, there were conveyed in the three years 1849, '50 and '51, 25,590,000 persons, a number exceeding the whole population of the United States.

Now it will not be pretended that the stimulating effect upon travel will be as great in the Southern states, which are almost exclusively agricultural, and whose population is sparse, as it has proved to be in manufacturing and commercial New England. But this is certain: that build a railroad where you will, the effect of the facilities it affords for certain and rapid transit, will be so to multiply travel as to make it an important element in railroad profit. And if the roads happen to be, as two at least of ours are, in the great lines of intercommunication between great sections of the country, the travel on them will defy calculation.

Another cheering fact in connection with railroad profits, is found in the vast amount of capital every day applied to railroad investment. There are in the United States 11,565 miles of completed railroad, costing \$ 335,000,000. There are in course of construction 11,228 miles, which will cost probably as much. Now the enquiry occurs, Would this stupendous investment in railroads go steadily on if the investment were not profitable? Surely not: it is against the instincts of money-loving man—the thing is preposterous. We need not fear, then, that our railroads will prove unprofitable, more especially when the cost of ours is not half the cost of those that are making the high dividends before recited.

If these data of railroad income be not wholly fallacious, we may reasonably hope that when the Danville, Southside, Southwestern, Central, Orange and Alexandria, and Manassa's gap, Norfolk and Petersburg, and York river railroads will yield, when finished, more than 6 per cent upon their cost. If so, they will no longer constitute a charge upon the treasury. The people will no longer be taxed for the annual interest. The improvements will pay the interest out of their own fisci, and three-fifths of the surplus will pass into the treasury of the state. Of consequence, the millions which the works just enumerated cost, will be so much burden taken off the treasury, and may be appropriated to new improvements, or go into the treasury to lessen the taxes of the people. To make the proposition palpable, suppose that all the leading lines had been completed and were paying 6 per cent. nett, where would be the debt of Virginia? Nowhere—none whatever—and she would be in precisely the same condition as if she were commencing her public works *de novo*.

Your committee, for these reasons, strongly urge the concentration of the means of the state on a system composed of the foregoing leading works, until they shall have been successively completed, and they

are highly gratified that the views they have herein expressed are concurred in by the chief magistrate of the commonwealth, whose excellent precepts they beg leave to quote :

" Whilst the financial condition and credit of the state, at home and abroad, must be carefully guarded, I feel it a duty in all frankness to suggest for your consideration, the speedy completion of such of the great leading improvements as appear most deeply involved with the general interests of the commonwealth. An enlightened policy would dictate, and stern necessity demands, that these improvements should be completed as speedily as possible, and that no new projects requiring extensive aid from the state should be commenced until this great object shall have been accomplished. Virginia has entered the lists with her sister states for the benefit of the trade with the great West and the Valley of the Mississippi. The prize for which we contend is worthy of an exertion of all our energies. Let some well digested system be adopted and steadily pursued, and success will crown our efforts. It is confidently believed, however, that indiscriminate appropriations at this time for works of only local advantage would be fraught with most mischievous and dangerous results.

" That the execution of the work will require a very considerable pecuniary responsibility is manifest. But that it is our duty by a judicious system steadily and energetically to press these *grand leading* lines through to completion at as early a day as a prudent and proper regard for the finances of the state will justify, the melancholy decline of our relative power in the confederacy, the prostration of our trade with foreign nations, and our entire dependence upon states inimical to our interests and institutions, whose unparalleled success in commerce, wealth and political power is due to the timely execution of like improvements, but too clearly prove. Large as may appear the area of the plat before us, it will not require more to construct the great framework of the system than has been expended upon a single railroad in New York. Less than has been expended on a line of 100 miles in Pennsylvania will complete the whole system ! Why, then, should Virginia longer delay what inevitable necessity requires to be done ?"

If to these wise suggestions a word may be added, it is, that unless the state proceed to complete her leading lines already in progress, she must sacrifice entirely the large sums already expended on them, and perpetuate taxation to the extent of the annual interest on the amount of such useless expenditure. The truth is, there is no alternative : We must either absolutely throw away the millions already expended, or make other appropriations to render them available.

The policy here recommended will, of course, defer for a season many valuable improvements ; but the friends of these lines should remember that the postponement will be temporary, not indefinite ; for, as before reasoned, as one line is finished, it makes room for another, the treasury being disengaged to the amount of the cost of the completed work. And inasmuch as the Southside, Richmond and Danville, Virginia and Tennessee, Orange and Alexandria, and Manassas's gap railroads, if the appropriations now advised should be

made, will most probably be completed by the next meeting of the general assembly; and as these roads will then have "attained the self-sustaining point," the treasury will be released to a very large amount, and the state possess the means of lending a helping hand to other improvements.

It should be borne in mind, too, that in consequence of our widely extended territory, the interests and wants of our people are infinitely diversified, and that it would be utterly impossible for the state to meet all the demands upon her at once. Discrimination, therefore, is an absolute necessity, and patience a duty.

With the view of making no further demands upon the treasury than shall be absolutely required, your committee recommend only such an amount of appropriation as will keep the selected works in progress until the next session of the legislature. They accordingly advise an appropriation at this time of only \$1,000,000 for the extension of the Central railroad, and \$406,000 for the canal extension, which, with the sums already indicated for other specified works, make an aggregate of \$4,662,000, as follows:

| | | | |
|--|---|---|---------------------|
| James river canal, for present relief, | - | - | 300,000 |
| " " extension to Covington, | - | - | 406,000 |
| Central railroad, | - | - | 1,000,000 |
| Richmond and Danville, | - | - | 600,000 |
| Southside, | - | - | 360,000 |
| Virginia and Tennessee, | - | - | 450,000 |
| Orange and Alexandria, | - | - | 252,000 |
| Manassa's gap, | - | - | 400,000 |
| Norfolk and Petersburg, | - | - | 480,000 |
| Richmond and York river, | - | - | 300,000 |
| Improvement of lower James river, | - | - | 116,000 |
| Total, | - | - | <u>\$ 4,662,000</u> |

Of this amount the sum of \$ 600,000 is a loan, on which the annual interest will be adequately secured, and should not, therefore, be regarded as debt.

The only remaining enquiry is, whether the present financial condition of the state is such as to allow this addition to her indebtedness. And this brings up the question, What is the debt of the state?

On this point much diversity of opinion prevails. Some have estimated it at as much as \$20,000,000; some at \$12,000,000, while others have put it down as low as \$7,000,000. The latter will be found nearer the true amount than the higher estimates.

The *actual* debt of the state, for which the public hold her bonds, according to the second auditor's report, is \$11,080,453; subscriptions which have become obligatory on the state, and are therefore actual debt, though to be paid from time to time as wanted, \$5,058,130—making total actual indebtedness \$16,138,583.

But the state has productive stocks which yield annually, in dividends and interest, the sum of \$540,000, equivalent to 6 per cent. on

\$9,000,000. Now, as these \$540,000, derived from our productive funds, will pay an equal amount of the annual interest which the state pays on her actual debt, the principal represented by the former must be subtracted from the principal of the latter: in other words, while the state is debited with the amount on which she *pays* 6 per cent., she must be credited with the amount of productive funds on which she *receives* 6 per cent. Deducting, therefore, the nine millions of productive 6 per cent stocks from the amount of actual debt of \$16,138,582, and there remains a balance of actual debt, of \$7,138,582.

There is, however, another branch of state indebtedness, usually termed "liabilities," arising from a loan of her credit in the form of guaranteed bonds, and which some regard as actual debt.

But the state is merely surety for the guaranteed parties, and ought not to be regarded as incurring a debt, *until* the obligors in the bonds she guarantees become unable to pay the interest or redeem the principal; just as A contracts no debt by signing B's bond, until B becomes insolvent. On this principle, the state has incurred but little debt on account of guarantees.

The following are the guarantees:

| | | |
|--|---|--------------------|
| 1. To James river and Kanawha company, | - | 2,260,000 |
| 2. Chesapeake and Ohio canal company, | - | 500,000 |
| 3. City of Petersburg, | - | 323,500 |
| 4. Valley turnpike company, | - | 17,874 |
| 5. Central railroad company, | - | 100,000 |
| 6. Richmond and Danville railroad company, | - | 200,000 |
| 7. City of Wheeling, | - | 500,000 |
| Total, | - | <u>\$3,901,374</u> |

Of these guaranteed parties all that have called for the guaranteed amounts have punctually paid the interest on the several sums for which they were guaranteed, except the James river and Kanawha company, which, for the satisfactory reasons already set forth, is short of the means, by about \$50,000, to meet the interest on its guaranteed debt.

To the extent of this deficit of this company, there is an actual debt of the state, either for the deficient annual interest, or for whatever amount of principal the deficient \$50,000 will pay the interest on, say \$883,333 $\frac{33}{4}$, which amount becomes *debt*, and being added to the balance of actual debt before struck, gives an aggregate actual debt of \$7,971,915 $\frac{3}{4}$.

The remainder of the guarantees, \$3,068,040 $\frac{1}{4}$, constitute no debt, because the state will never, in all human probability, be called on either to pay the interest or redeem the principal. The city of Wheeling has not as yet even applied for the state's guarantee, and yet, ordinarily, the amount guaranteed for her is put down as positive debt.

There are, it is true, other outstanding state subscriptions, amounting to about a million, and made for the lesser improvements, but the respective companies have not been organized in consequence of the failure of the necessary private subscriptions, and the state's share of

the subscription will not, therefore, be called for. But convert the whole million into unqualified debt, and still the public debt will be only \$8,971,913 $\frac{1}{2}$.

Add to this amount the appropriations advised by your committee, \$4,662,000, and the aggregate indebtedness will be \$13,663,913 $\frac{1}{2}$, but in point of fact only \$12,833,913 $\frac{1}{2}$.

The great practical question, then, is, Can Virginia stand this amount of debt? Or rather should this amount of indebtedness deter her from the consummation of a policy, fraught with countless blessings and benefits, which will many times repay her for all the money expended in carrying it out?

Your committee think not: so to say would be a calumny upon her. Assessed upon all her people, the tax would not be 50 cents per head, an exaction too insignificant to excite the discontent of a proud and patriotic people.

If the burden of the whole debt were to be felt at once; if, upon its entire amount, it were required to levy the annual interest by taxation of the people, there might be some reason for complaint; but such is not the fact. The sums appropriated are called for, from time to time, as our works progress, and the burden is lessened by division, the interest commencing from the period of actual expenditure.

Or, if the state had nothing to shew for her millions of debt, there might be some ground for outcry against further appropriations; but it must not be forgotten that much the larger portion of the state's debt is for her *leading works already considerably advanced*, and which when completed (which will be in a few years) will be not only no charge upon the treasury, but will yield an actual revenue, besides stimulating into life new branches of industry, augmenting vastly the annual product of her land and labor, diffusing general prosperity, wealth and social advancement, and adding actually more millions to the value of her lands than the cost of all her improvements together. An indebtedness thus represented loses all the characteristics of debt. If a present ill, it is a future and rapidly approaching blessing; and though denoted by stocks at this moment unproductive, the completion of the leading works already begun and now recommended to the favor of the general assembly, will soon convert those unproductive stocks into productive, and wipe out all indebtedness.

By the provisions of the new constitution, setting apart annually from the accruing revenues 7 per cent. of the existing state debt as a sinking fund, the burdens of the people, it is true, will be somewhat increased; but even this is a regulation of wisdom, and for the ultimate good of the people—its operation being to place the credit of the state on an impregnable basis, and to destroy the foundations of a permanent public debt.

Your committee will not further protract this report, by recouating the benefits which will accrue to the state from the completion of the system of public works upon which she has entered. It were an idle task. The policy of internal improvements has ceased to be a speculative question. It has become the far simpler one of stubborn facts and gathered statistics; and collect the data when we may, they will

be found, invariably, vivid exponents of lively commerce, busy industry, thriving tillage, augmented values, social improvement, political consequence, and wide-spread prosperity. If Virginia discard the potent instrumentality, she renounces the rich blessings it confers, and must content herself to lag farther and farther in the rear of her sister states. And the longer she postpones the generous policy, the more difficult will it be to recover the ground she has lost.

Your committee, therefore, seeing nothing in the financial condition of the state to disadvise the appropriations they have recommended, and believing them to be demanded by the pride and honor and all the interests of the state, submit the following resolution :

Resolved, That it is expedient to complete, as early as practicable, the following public works : The James river and Kanawha canal to Covington, the Central railroad to the head of steamboat navigation on the Kanawha river, the Richmond and Danville railroad, the Southside railroad, the Virginia and Tennessee railroad, the Orange and Alexandria railroad, the Manassa's gap railroad, the Norfolk and Petersburg railroad, the Richmond and York river railroad, and the improvement of the lower James river, by removing the bars therein ; and that the following sums should be appropriated for the said works respectively : For the James river and Kanawha company, a loan of \$ 300,000 to discharge existing arrears, and \$ 405,000 for the extension of the canal to Covington ; for the extension of the Central railroad from Covington to the head of steam navigation on the Kanawha \$ 1,000,000 ; for the completion of the Richmond and Danville railroad a loan of \$ 600,000 ; for the completion of the Southside railroad \$ 360,000 ; for the completion of the Virginia and Tennessee railroad \$ 450,000 ; for the completion of the Orange and Alexandria railroad \$ 252,000 ; for the completion of the Manassa's gap railroad \$ 400,000 ; for the construction of the Norfolk and Petersburg railroad \$ 480,000 ; for the Richmond and York river railroad \$ 300,000, and for the improvement of the lower James river \$ 115,000 ; of which said appropriations not more than one-half of each shall be expended in a single year.

NOTE.—On the 17th page, the distance from Cincinnati to Washington per Parkersburg route of Baltimore and Ohio railroad, is stated to be 602 miles—it should be 622 miles—which makes a difference of 14 miles in favor of the Virginia Central railroad over the Baltimore and Ohio railroad, instead of 6 against it.

[DOC. No. XLI.]

RESOLUTIONS

AGAINST

INCLUDING IN ONE LAW

MORE THAN ONE OBJECT.

1852.

RESOLUTIONS.

Resolved—as follows :

1. That the provision in the 16th clause of the 4th article of the constitution of Virginia, that “no law shall embrace more than one object,” should not be violated directly or indirectly ; and the members of this house should not be required to vote for or against a resolution embracing many objects of internal improvement, and appropriating money for each ; since this would be but a means of evading the constitution, and would be at war with the spirit and the object of the provision just referred to.

2. That the provision in the 29th section of the 4th article of the constitution, that “there shall be set apart, annually, from the accruing revenues a sum equal to seven per cent. of the state debt existing on the first day of January in the year 1852,” and that “the fund thus set apart shall be called the Sinking Fund, and shall be applied to the payment of the interest of the state debt and the principal of such part as may be redeemable,” should be faithfully observed ; and the house should, as soon as may be, pass bills to raise a revenue sufficient to pay the annual expenses of the government, and set apart this sinking fund.

3. That after the house shall have passed these revenue bills and such other bills as the constitution requires to put in operation the new form of government, it should then take up in due order the bills authorizing further debts to be contracted for works of internal improvement, and should pass upon each of said bills separately on its own merits.

[DOC. No. XLII.]

PREAMBLE AND RESOLUTIONS

RELATIVE TO

THE COINAGE OF SILVER

AND AGAINST THE

CIRCULATION OF SMALL NOTES.

1852.

PREAMBLE AND RESOLUTIONS.

Whereas the circulation of small notes and paper tokens, issued by banks and individuals beyond the limits of the commonwealth, has increased, in violation of law, to an alarming extent, rapidly displacing our silver coin, and inflicting serious loss and injury upon the community: and whereas no separate state action can remedy the evil: Therefore,

1. *Be it resolved by the general assembly*, That our senators in congress be instructed and our representatives requested to take prompt and efficient measures to procure the passage of a law so regulating the coinage of silver as to guard it from exportation and the crucible, and not injuriously affecting contracts and the monetary system of the country.

2. That our said senators be instructed and our representatives requested to advocate the passage of a law prohibiting the issue or circulation of bank notes or paper tokens of a less denomination than five dollars, by corporations or individuals within the limits of the District of Columbia.

And whereas to restore and maintain a healthy currency, the concurrent action of our neighboring sister states is eminently necessary: Therefore,

Be it further resolved by the general assembly, That the governor of this commonwealth be requested to open a correspondence with the governors of the states of Maryland, Pennsylvania, Ohio, Kentucky, Tennessee and North Carolina, and urge them to co-operate with this state in the passage of laws restricting the circulation of bank notes in such manner as to prevent the issue of notes of a less denomination than five dollars.

[DOC. No. XLIII.]

CONDITION

OF THE

EXCHANGE BANK,

OF

THE NORTHWESTERN BANK,

AND OF THE

BANK OF THE VALLEY.

1852.

EXECUTIVE DEPARTMENT,
February 25th, 1852.

To the Speaker of the House of Delegates.

SIR,

I have the honor to communicate herewith, for the information of the general assembly, statements of the condition of the Exchange Bank of Virginia, the Northwestern Bank and the Bank of the Valley, and their branches, on the 1st day of January last.

Very respectfully,

Your ob't serv't,

JOS. JOHNSON.

CONDITION OF THE EXCHANGE BANK OF VIRGINIA.

EXCHANGE BANK OF VIRGINIA,
February 18, 1852.

Sir,

I have the honor to hand you herewith the quarterly statement of this institution as it existed on the 1st day of January last, with a comparative account of its condition with the corresponding quarter of the last year.

Very respectfully,

Your ob't serv't,

W. SOUTHGATE, *Cash'r.*

To his Excellency JOSEPH JOHNSON,
Governor of Virginia, Richmond.

General Statement of the Condition of the Exchange

LOANS OR DISCOUNTS:

| | | | | |
|---|---|------------|--------------|--------------|
| At the parent bank, | - | - | 611,414 68 | |
| branch in Richmond, | - | - | 1,160,489 93 | |
| Petersburg, | - | - | 752,440 45 | |
| Clarksville, | - | - | 398,434 94 | |
| Alexandria, | - | - | 372,187 69 | |
| Abingdon, | - | - | 297,564 06 | |
| Salem, | - | - | 245,571 35 | |
| | | | | 3,838,103 10 |
| Foreign bills of exchange at Richmond, | - | - | - | 19,686 89 |
| Due by other banks: | | | | |
| In account, | - | - | 233,747 42 | |
| In notes of banks of Virginia, | - | 159,667 00 | | |
| In notes of banks elsewhere, | - | 13,294 00 | | |
| | | | 172,961 00 | |
| | | | | 406,708 42 |
| Suspended debt, at Petersburg, | - | - | - | 18,425 29 |
| \$ 4,282,925 70, amount of debts due to the bank. | | | | |
| Real estate: | | | | |
| In banking houses and lots, | - | - | 87,569 83 | |
| In property acquired for debts, | - | - | 4,377 70 | |
| | | | | 91,947 53 |
| Specie: | | | | |
| At parent bank, | - | - | 46,764 93 | |
| Richmond, | - | - | 86,196 78 | |
| Petersburg, | - | - | 88,894 40 | |
| Clarksville, | - | - | 71,575 11 | |
| Alexandria, | - | - | 31,484 17 | |
| Abingdon, | - | - | 61,929 44 | |
| Salem, | - | - | 24,113 54 | |
| | | | | 410,960 37 |
| In gold, | - | 331,248 83 | | |
| In silver, | - | 79,711 54 | | |
| | | | | |
| Resulting balance of transactions yet in transit bank and branches, | | | | 12,143 11 |

\$ 4,797,976 71

All the bad and doubtful debts, as follows:

| | | | |
|-----------------------------------|---|--------------|--------------|
| At Petersburg, reported doubtful, | - | 16,600 00 | |
| Bad, | - | 945 00 | 17,545 00 |
| Good, | - | 880 29 | |
| | | | |
| Suspended debt, | - | \$ 18,425 29 | |
| | | | |
| At Alexandria, reported doubtful, | - | 172 58 | |
| Bad, | - | 645 00 | |
| | | | 817 58 |
| | | | |
| Whole of doubtful and bad, | - | - | \$ 18,362 58 |

Bank of Virginia and its Branches, 31st December 1851.

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|--------------|----------------|
| Capital paid in, | - | - | - | - | - | - | - | - | 1,940,000 00 |
| Distributed as follows: | | | | | | | | | |
| At parent bank, | - | - | - | - | - | - | - | 400,000 00 | |
| At branch in Richmond, | - | - | - | - | - | - | - | 500,000 00 | |
| Petersburg, | - | - | - | - | - | - | - | 400,000 00 | |
| Clarksville, | - | - | - | - | - | - | - | 200,000 00 | |
| Alexandria, | - | - | - | - | - | - | - | 220,000 00 | |
| Abingdon, | - | - | - | - | - | - | - | 120,000 00 | |
| Salem, | - | - | - | - | - | - | - | 100,000 00 | |
| Circulation: | | | | | | | | | |
| In notes of parent bank, | - | - | - | - | - | - | - | 121,447 00 | |
| Branch at Richmond, | - | - | - | - | - | - | - | 268,179 50 | |
| Petersburg, | - | - | - | - | - | - | - | 314,128 00 | |
| Clarksville, | - | - | - | - | - | - | - | 322,784 00 | |
| Alexandria, | - | - | - | - | - | - | - | 112,930 00 | |
| Abingdon, | - | - | - | - | - | - | - | 274,925 00 | |
| Salem, | - | - | - | - | - | - | - | 181,935 00 | |
| 100's. 50's. 20's. 15's. 10's. 5's. 2's. 1's. | | | | | | | | | |
| 3410 7176 17610½ 8675 22369 37791½ 303 940— | | | | | | | | 1,596,328 50 | |
| Of the late Farmers Bank at Alexandria, | | | | | | | | 2,502 00 | |
| | | | | | | | | | 1,598,830 50 |
| Due to other banks, in account, | - | - | - | - | - | - | - | - | 93,169 16 |
| Deposits: | | | | | | | | | |
| In dividends unclaimed, | - | - | - | - | - | - | - | 840 25 | |
| At parent bank, | - | - | - | - | - | - | - | 106,931 50 | |
| At branch at Richmond, | - | - | - | - | - | - | - | 493,180 86 | |
| Petersburg, | - | - | - | - | - | - | - | 142,956 24 | |
| Clarksville, | - | - | - | - | - | - | - | 72,225 23 | |
| Alexandria, | - | - | - | - | - | - | - | 44,242 19 | |
| Abingdon, | - | - | - | - | - | - | - | 42,402 82 | |
| Salem, | - | - | - | - | - | - | - | 13,405 55 | |
| | | | | | | | | | 916,184 64 |
| \$2,608,184 30, amount of debts due by the bank, less stockholders. | | | | | | | | | |
| Contingent fund: General account, as per last statement, | | | | | | | | 135,557 77 | |
| Profit and loss, do. on this day, | | | | | | | | 97,690 65 | |
| At the branches since 30th Nov. 1851: | | | | | | | | | |
| Discount on this day, | - | - | - | - | - | - | - | 18,842 60 | |
| Exchange do. - | - | - | - | - | - | - | - | 711 19 | |
| | | | | | | | | 19,553 79 | |
| Less expenses, | - | - | - | - | - | - | - | 3,009 80 | |
| | | | | | | | | 16,543 99 | |
| Excess of assets, | | | | | | | | | 249,792 41 |
| | | | | | | | | | \$4,797,976 71 |
| The last dividend, as per last statement. | | | | | | | | | |

EXCHANGE ACCOUNT.

| PARENT BANK: | | PARENT BANK: | |
|---|-----------------|---|------------------|
| Northern funds bought: | | Balance on 30th Sept. 1851, | |
| £ 47,037 64, at $\frac{1}{2}$ to 1 p. c. prem. | 367 81 | Northern funds sold: | 513 84 |
| Southern funds sold: | | £ 63,799, at $\frac{1}{2}$ to 1 $\frac{1}{2}$ p. c. prem. | 615 33 |
| £ 12,035, North Carolina money, | | Southern funds bought: | |
| at $\frac{1}{2}$ and $\frac{1}{2}$ p. c. dis. | 30 09 | £ 11,100, North Carolina money, | |
| Specie bought: | | at $\frac{1}{2}$ p. c. dis. | 55 49 |
| £ 1,115 61, for the prem. of | 10 00 | Gain on £ 200, Mexican coin, at 2 $\frac{1}{2}$, | 5 50 |
| Freight of specie, &c. | 5 62 | Damages on £ 498 45, bills pro- | |
| Balance to profit and loss, | 791 59 | tested, at 3 p. c. | 14 95 |
| | <u>£1205 11</u> | | <u>£1205 11</u> |
| RICHMOND: | | RICHMOND: | |
| £ 354,120, principally northern | | Balance on 30th Sept. 1851, | |
| funds, at $\frac{1}{2}$ to $\frac{1}{2}$ p. c. prem. | 2414 53 | £ 471,504, principally northern | 2242 03 |
| Profit and loss, 30th Nov. 1851, | 3833 64 | checks, at $\frac{1}{2}$ to 1 p. c. prem. | 4148 78 |
| Balance, new account, | 262 69 | Gain on foreign bills of exchange, | |
| | <u>£6510 86</u> | from 31st May to 30th Nov. 1851, | 120 05 |
| | | | <u>£6,510 86</u> |
| PETERSBURG: | | | 263 00 |
| £ 168,535, principally northern | | PETERSBURG: | |
| funds, at $\frac{1}{2}$ to 1 p. c. prem. | 1363 95 | Balance on 30th Sept. 1851, | |
| Profit and loss, 30th Nov. 1851, | 1762 15 | £ 254 461, principally northern | 1151 80 |
| Balance, new account, | 334 54 | funds, at $\frac{1}{2}$ to 1 p. c. prem. | 2308 84 |
| | <u>£3460 64</u> | | <u>£3460 64</u> |
| | | | 334 54 |
| CLARKESVILLE: | | CLARKESVILLE: | |
| £ 7,127 44, northern funds, at $\frac{1}{2}$ | | Balance on 30th Sept. 1851, | |
| to $\frac{1}{2}$ p. c. prem. | 45 34 | £ 29,930 95, northern funds, at $\frac{1}{2}$ | 320 00 |
| Profit and loss, 30th Nov. 1851, | 509 17 | to 1 p. c. prem. | 285 25 |
| Balance, new account, | 86 19 | £ 4,165 78, southern funds, at $\frac{1}{2}$ | |
| | <u>£640 70</u> | p. c. discount, | 20 83 |
| | | Damages, &c. | 14 03 |
| | | | <u>£640 70</u> |
| ALEXANDRIA: | | | 86 19 |
| £ 81,054, at $\frac{1}{2}$ to 1 $\frac{1}{2}$ p. c. prem. | | ALEXANDRIA: | |
| Profit and loss, 30th Nov. 1851, | 28 78 | Balance on 30th Sept. 1851, | |
| Balance, new account, | 26 41 | Received on £ 75,421, at $\frac{1}{2}$ to 1 $\frac{1}{2}$ | 103 71 |
| | <u>£725 31</u> | p. c. prem. | 621 60 |
| | | | <u>£725 31</u> |
| | | | 26 41 |
| ABINGDON: None. | | ABINGDON: None. | |
| SALEM: | | SALEM: | |
| £ 200, northern funds, at $\frac{1}{2}$ p. c. | | Balance on 30th Sept. 1851, | |
| Profit and loss, 30th Nov. 1851, | 1 00 | £ 600 43, northern funds, at $\frac{1}{2}$ to | 36 |
| Balance, new account, | 3 31 | 1 p. c. prem. | 5 29 |
| | 1 36 | | <u>£5 67</u> |
| | <u>£5 67</u> | | 1 36 |
| | | Amount, | <u>£711 19</u> |

A Comparative View of the Condition of the Exchange Bank of Virginia and Branches from the Quarterly Statements of 31st Dec. 1850 and 1851.

| ASSETS. | | 1850. | 1851. | LIABILITIES. | | 1850. | 1851. |
|--|---|---------------|------------|--|---|---------------|------------|
| Loans to individuals, &c. | - | 3755467 19 | 3833103 10 | Capital, - | - | 1904800 00 | 1940000 00 |
| " the commonwealth of Va., state stock, | - | 75000 00 | - | Circulation, - | - | 1534931 00 | 1698330 50 |
| Foreign bills of exchange, - | - | 9595 37 | 19698 89 | Due to other banks, in account, - | - | 99114 48 | 93189 16 |
| Suspended debt at Petersburg, - | - | 32041 36 | 18425 29 | Deposits, - | - | 870157 78 | 916184 64 |
| Due from other banks: | - | - | - | Resulting balance of transactions yet in transit | - | - | - |
| In account, - | - | 203162 93 | 233747 42 | bank and branches, - | - | 14591 29 | - |
| In notes of Virginia banks, - | - | 120508 00 | 159667 00 | Excess of assets, - | - | 222417 68 | 249792 41 |
| In notes of banks elsewhere, - | - | 16824 00 | 13294 00 | | | | |
| Real estate, - | - | 93710 99 | 91947 53 | | | | |
| Specie, - | - | 389952 39 | 410960 37 | | | | |
| Resulting balance of transactions yet in transit | - | - | - | | | | |
| bank and branches, - | - | - | 12143 11 | | | | |
| | | \$ 4696092 23 | 4797976 71 | | | \$ 4696062 23 | 4797976 71 |

W. SOUTHGATE, Cash'r.

We, the undersigned, directors of the Exchange Bank of Virginia, having examined the foregoing statements, certify that they represent the true condition of the bank on the 31st December 1851, and that the resolution of the stockholders, at their meeting of the 5th of May 1841, in regard to the accuracy of the accounts of individuals with the bank, has been complied with, as follows: The branches at Alexandria and Abingdon report a perfect agreement between their general and private ledgers; the branch at Richmond reports a variation of \$48 75; the branch at Petersburg reports a variation, but leaves it blank; the branch at Clarkesville has a variation of \$62 16; the branch at Salem has one of \$1 14; and the parent bank has one of \$60 29 by the last trial balance, not up to the day, owing to the severe indisposition of the second accountant.

E. C. ROBINSON,
JNO. A. HIGGINS,
N. W. PARKER,
F. W. SOUTHGATE,
WM. J. HARDY.

Norfolk City, to wit:

Personally appeared before me, an alderman of the said city, Wright Southgate, cashier of the Exchange Bank of Virginia, who made oath that the preceding statements faithfully exhibit the condition of the bank on the 31st December 1851.

Given under my hand and seal this 18th day of February 1852.

N. W. PARKER, *Alderman.*

CONDITION OF THE NORTHWESTERN BANK.

NORTHWESTERN BANK OF VIRGINIA,
Wheeling, 12th Feb. 1852.

To his Excellency JOSEPH JOHNSON,
Governor of Virginia.

SIR,

I enclose statements of the condition of this bank and branches on the first day of January last, with a comparative statement for the corresponding period of the preceding year.

Very respectfully,

D. LAMB, *Cash'r.*

*Statement of the Condition of the Northwestern Bank of Virginia, including its
1852, with a Comparative Statement of the same for*

| | January 1, 1852. | January 1, 1851. |
|---|---------------------|-------------------|
| Bills discounted, - - - - | 1749855 88 | 1450618 30 |
| Unpaid stock at Jeffersonville office, - - | 200 00 | 20535 00 |
| Stock of this bank, - - - - | 27000 00 | 34700 00 |
| Stock of the Wheeling and Belmont bridge company, - | 20000 00 | 20000 00 |
| Other stocks, - - - - | 5000 00 | 1728 50 |
| Banking houses, - - - - | 30024 37 | 23960 60 |
| Other real estate, - - - - | 10440 00 | 51226 10 |
| Coin, - - - - | 321492 65 | 304910 13 |
| Notes on hand of banks incorporated by this state, - | 32879 00 | } 85347 52 |
| Notes on hand of other banks, including certificates and checks, - - - - | 44165 79 | |
| Due by other banks and bankers, - - - - | 161272 81 | 190500 06 |
| In transit between parent bank and branches, - | 13421 45 | |
| | \$2415751 95 | 2183736 30 |

Branches at Wellsburg, Parkersburg and Jeffersonville, on the 1st day of January the corresponding Period of the preceding Year.

| | January 1, 1852. | January 1, 1851. |
|--|----------------------|-------------------|
| Capital stock, - - - - - | 792100 00 | 792100 00 |
| Circulation, - - - - - | 1320604 00 | 1103500 00 |
| Deposits, including certificates of deposit and partial payments on bills and notes, - - - - - | 187846 23 | 179908 82 |
| Due to other banks and bankers, - - - - - | 29873 65 | 32011 26 |
| Dividends for January 1852 and January 1851, - - - - - | 31684 00 | 22318 00 |
| Bonns " " " - - - - - | 1980 25 | 1980 25 |
| Surplus fund, after paying dividends and bonns, - - - - - | 51063 82 | 51389 62 |
| In transit between parent bank and branches, - - - - - | - | 559 25 |
| | \$ 2415751 95 | 2183736 30 |

| | | | | | January 1, 1852. | January 1, 1851. |
|--------------|-----------|---|---|---|---------------------|---------------------|
| Circulation— | Ones, | - | - | - | 871 | 908 |
| | Twos, | - | - | - | 328 | 356 |
| | Fives, | - | - | - | 730,255 | 577,016 |
| | Tens, | - | - | - | 369,440 | 347,630 |
| | Twenties, | - | - | - | 162,060 | 147,960 |
| | Fifties, | - | - | - | 57,650 | 29,700 |
| | | | | | \$ 1,320,604 | \$ 1,103,560 |

The profits which accrued during the six months ending December 31, 1851, from "dealings in exchange," including premiums on exchange sold, and charges for collecting at different points, amounted to \$9,041 75. The last dividend was due January 10, 1852, and was four per cent. on the capital. Of the capital stock January 1, 1852, there was unpaid \$200; paid in, \$791,900—total, \$792,100.

We certify the foregoing to be correct, to the best of our knowledge and belief.

H. CAMPBELL, *Pres't.*

R. CRANGLE,

L. STEENROD,

E. POLLOCK,

O. W. HEISKELL,

JAS. H. STOUT,

Directors.

Wheeling, Va., February 12th, 1852.

Ohio County, ss:

Before the subscriber, a justice of the peace for Ohio county in the state of Virginia, this day in my said county came Daniel Lamb, cashier of the Northwestern Bank of Virginia, and made oath in due form that the foregoing statement, to the best of his knowledge and belief, is just and true. Given under my hand this 10th day of February 1852.

JOHN EOFF, *J. P.*

CONDITION OF THE BANK OF THE VALLEY.

BANK OF THE VALLEY IN VIRGINIA,
Winchester, 11th Feb. 1852.

To his Excellency JOSEPH JOHNSON,
Governor of Virginia.

DEAR SIR,

I enclose statements shewing the condition of this bank
on the 1st day of January 1851 and the 1st day of January 1852—

And am, very respectfully,

Your obedient servant,

H. M. BRENT.

State of the Bank of the Valley in Virginia, includ-

| | | | | |
|---|---|---|------------------|--------------|
| Specie, - - - - - | - | - | - | 326,873 01 |
| Notes of banks incorporated by the state, - - - - - | - | - | - | 117,408 06 |
| Notes of banks incorporated elsewhere, - - - - - | - | - | - | 18,857 39 |
| Due from other banks, - - - - - | - | - | - | 425,274 55 |
| Notes discounted, - - - - - | - | - | - | 1,977,120 94 |
| Inland bills discounted, - - - - - | - | - | - | 278,472 43 |
| Bond account, - - - - - | - | - | - | 13,125 04 |
| Stock purchased to secure a debt, - - - - - | - | - | - | 8,000 00 |
| Real estate, - - - - - | - | - | - | 55,464 56 |
| Bad debts, - - - - - | - | - | 2,876 67 | |
| Doubtful debts, - - - - - | - | - | 12,860 62 | |
| | | | <u>15,737 29</u> | |

\$ 3,220,595 97

ing its *Office of Discount and Deposit, January 1, 1881.*

| | | | | | | |
|--|---|---|---|---|------------|------------------------|
| Capital stock, | - | - | - | - | - | 1,100,000 00 |
| Notes in circulation: | - | - | - | - | - | |
| In notes of \$100 each, | - | - | - | - | 274 400 00 | |
| " " 50 " | - | - | - | - | 415,275 00 | |
| " " 20 " | - | - | - | - | 332,930 00 | |
| " " 10 " | - | - | - | - | 251,890 00 | |
| " " 5 " | - | - | - | - | 303,897 50 | |
| " " 2 " | - | - | - | - | 1,258 00 | |
| " " 1 " | - | - | - | - | 1,843 00 | |
| | | | | | | 1,581,493 50 |
| Due to other banks, | - | - | - | - | - | 38,789 20 |
| Discount received at the branches since the 1st of December, | - | - | - | - | - | 6,422 51 |
| Profit, loss and contingent fund, | - | - | - | - | - | 138,490 46 |
| Deposit money, | - | - | - | - | - | 351,952 42 |
| In transitu between bank and branches, | - | - | - | - | - | 3,447 79 |
| | | | | | | <u>\$ 3,220,595 97</u> |

H. M. BRENT, *Cashier.*

State of the Bank of the Valley in Virginia, including

| | | | | |
|---|---|---|-------------|--------------|
| Specie, | - | - | - | 362,486 32 |
| Notes of banks incorporated by the state, | - | - | - | 108,373 00 |
| Notes of banks incorporated elsewhere, | - | - | - | 26,813 50 |
| Due from the banks, | - | - | - | 293,359 39 |
| Notes discounted, | - | - | - | 1,690,252 54 |
| Inland bills discounted, | - | - | - | 271,905 79 |
| Bond account, | - | - | - | 11,102 57 |
| Stock purchased to secure a debt, | - | - | - | 8,000 00 |
| Real estate, | - | - | - | 55,464 56 |
| In transitu between bank and branches, | - | - | - | 6,852 73 |
| Bad debts, | - | - | \$ 2,734 46 | |
| Doubtful debts, | - | - | 11,230 75 | |

\$ 3,034,610 40

its Offices of Discount and Deposit, January 1, 1852.

| | | | | | | |
|---|---|---|---|---|-----------|----|
| Capital stock, | - | - | - | - | 1,100,000 | 00 |
| Notes in circulation, | - | - | - | - | 1,342,309 | 50 |
| Due to other banks, | - | - | - | - | 93,497 | 67 |
| Discount, | - | - | - | - | 6,208 | 23 |
| Contingent fund, | - | - | - | - | 93,557 | 06 |
| Profit and loss—being the nett profits for the half year ending this day, | - | - | - | - | 53,677 | 71 |
| Deposit money, | - | - | - | - | 345,329 | 33 |

\$ 3,034,610 49

| | | |
|--|---|-------------|
| Amount of profit and loss and contingent funds, January 1, 1852, | - | 147,203 00 |
| Deduct dividend of 4½ per cent. declared January 6, 1852, - | - | 52,350 00 |
| Surplus or contingent fund, - | - | 95,015 00 |
| Surplus or contingent fund after January 1851 dividend, - | - | 91,740 46 |
| Increase during the year, - | - | \$ 3,275 54 |

After the declaration of two semi-annual dividends of 4½ per cent. each.

| | | |
|---|---|------------|
| Amount of bad and doubtful debts January 1, 1851, | - | 15,737 29 |
| Amount of bad and doubtful debts January 1, 1852, | - | 13,965 21 |
| Decrease during the year, - | - | \$1,772 08 |

A public sale of one hundred and six shares of the stock of this bank was made on the 11th day of February 1852 for cash, at which prices ranged from \$115 10 to \$115 90 per share. Average sales \$115 28 per share.

We have examined the foregoing statement and find it correct.

T. A. TIDBALL, *President.*

**JACOB BAKER,
A. S. BALDWIN,
R. S. BYRD,
WM. MILLER.**

February 10, 1852.

VIRGINIA—*Frederick County, sct:*

This day, Henry M. Brent, cashier of the Bank of the Valley in Virginia, personally appeared before the subscriber, a justice of the peace in and for the county aforesaid, and made oath that the foregoing exhibits a true statement of the condition of said bank on the 1st day of January 1852, as made up from the books of said bank and the reports of the several branches thereof, to the best of his knowledge and belief. Given under my hand this 10th day of February 1852.

J. P. RIELY.

[DOC. No. XLIV.]

PREAMBLE AND RESOLUTIONS

ADOPTED BY THE

LEGISLATURE OF NEW JERSEY

IN RELATION TO THE

COMPROMISE MEASURES.

1852.

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

EXECUTIVE DEPARTMENT,
February 26, 1862.

To the General Assembly of Virginia.

I have the honor to transmit herewith a copy of the preamble and resolutions recently adopted by the legislature of the state of New Jersey upon the subject of the "compromise measures," as adopted by the last congress.

Very respectfully,

Your ob't serv't,

JOS. JOHNSON.

EXECUTIVE DEPARTMENT.

Trenton, N. J., Feb. 3, 1862.

SIR,

I have the honor to transmit herewith a copy of a preamble and resolutions passed by the legislature of this state, agreeably to the requirements of said resolutions.

Most respectfully,

Your obedient servant,

GEO. F. FORD.

To the Governor of Virginia.

1. *Chlorophyll a* and *Chlorophyll b* were determined by the method of Lichtenthaler and Sponholz (1980). The total chlorophyll content was determined by the method of Arar and Cook (1980). The carotenoid content was determined by the method of Lichtenthaler and Sponholz (1980). The total carotenoid content was determined by the method of Arar and Cook (1980). The total carotenoid content was determined by the method of Arar and Cook (1980).

1. *Chlorophyll a* and *Chlorophyll b* were determined by the method of Arar and Collins (1971) using a Shimadzu 1010 spectrophotometer. The concentration of chlorophylls was expressed as $\mu\text{g mL}^{-1}$ of the sample.

• : • • •

PREAMBLE AND RESOLUTIONS

Whereas the constitution of the United States is a compact between the several states, and forms the basis of our Federal Union :

And whereas the said states, through their representatives, in sovereign capacities as states, by adopting said constitution, conceded only such powers to the general government as were necessary "to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to themselves and posterity :"

And whereas the questions which agitated the country, and absorbed so large a portion of the time of the last session of the congress of the United States—questions in their nature directly opposed to the spirit and compromises of the constitution, calculated to destroy our domestic tranquillity, and dismember our glorious Union—were happily terminated by the compromise measures, it is deemed the imperative duty of this legislature to express their sentiments in relation thereto : Therefore,

1. *Resolved*, (senate concurring,) That the constitution of the United States was framed in the spirit of wisdom and compromise, is the bond of our federal Union, and can only be preserved by a strict adherence to its express and implied powers ; that New Jersey, one of the original thirteen states, has always adhered to the constitution, and is unalienably attached to the Union, and that she will resist, to the extent of her ability, any infraction of that sacred instrument.

2. *Resolved*, (senate concurring,) That this legislature cordially approves the measures adopted by the last session of congress, known as the 'compromise measures,' and that every patriot in every part of our widely extended country has cause to rejoice in the adoption of said measures, as a triumph of constitutional rights over a spirit of wild and disorganizing fanaticism.

3. *Resolved*, (senate concurring,) That New Jersey will abide by and sustain the compromise measures, and that her senators in the senate of the United States be instructed and her representatives in congress be requested to resist any change, alteration or repeal thereof.

4. *Resolved*, (senate concurring,) That the fugitive slave law is in accordance with the stipulations of the constitution of the United States, and in its provisions carries out the spirit and letter of the constitution in its compromises, upon which our Union is founded.

[Doc. No. 44.]

6. *Resolved*, (senate concurring,) That we approve of the patriotic stand taken by the executive of the United States in declaring his determination to execute and enforce all laws constitutionally enacted, and that the people of New Jersey will sustain him in so doing.

6. *Resolved*, (senate concurring,) That the governor of the state be requested to transmit a copy of these resolutions to the governor of each state in the Union, and to each of our senators and representatives in congress.

STATE OF NEW JERSEY.

I, Thomas S. Allison, secretary of the state of New Jersey, do hereby certify that the foregoing is a true copy of a preamble and resolutions passed by the house of assembly of this state January 30th, 1852, and concurred in by the senate on the same day, as taken from and compared with the original now on file in my office.

In testimony whereof, I have hereunto set my hand and affixed my official seal, at Trenton in said state, this third day of February A. D. one thousand eight hundred and fifty-two.

THOS. S. ALLISON,
Secretary of State.

[SEAL.]

[DOC. No. XLV.]

PETITION

RELATIVE TO

MARLED OR LIMED LANDS.

1852.

PETITION.

To the General Assembly of Virginia.

The petition of the subscriber respectfully represents:

That in an agricultural country the collection and preservation of the statistics of agricultural improvement and progress are highly useful means for encouraging the further extension of like improvements; and these means, for one important case at least, may be directed to good purpose by the legislature of Virginia, without any cost to the treasury, or to the commonwealth in any manner whatever.

That the governor of Virginia, in his recent annual message to your honorable body, called your attention to the important statistical facts, that the assessed value of the lands of the Tidewater portion of Virginia had been increased in amount nearly \$18,000,000 in the twelve years preceding the last assessment of lands in 1850, whereas the same lands had decreased about \$11,000,000 in the immediately preceding time of nineteen years, as shewn by the assessments embracing that time. The recent great increase of value, so strongly in contrast with the previous continued decline of value, (and of course of production,) was truly ascribed in the message to the improvement and renovation of fertility in this part of Virginia, in which before there had remained but little of the land under tillage which had not been more or less exhausted and impoverished, and greatly so, in general, and still less of uncleared or wood land of enough fertility to be worth bringing under culture. All well informed persons of this region will concur in this deduction stated by our chief magistrate, and will go further into particulars, and ascribe nearly the whole of all this great amount of new fertilization and productiveness, and consequently of new value of lands and the increased receipts thence derived for the treasury, to the use of calcareous manures—this practice for this region being the very foundation and essential previous condition of all other durable and profitable improvements of land and of agriculture.

That the actual and now existing facts of the extent of the applications of these calcareous manures, (all having been but recently made,) may be now obtained easily, and with sufficient approach to accuracy, and with no cost of money to the treasury, merely by giv-

ing legal instructions to the commissioners of the revenue to require from every landholder a statement of the supposed quantity of land that has been marled or limed on his farm, by himself or his predecessors. The agricultural statistical facts which would thus be elicited, together with (and serving to explain) the other statistics already published, of the population and taxation of this commonwealth, would serve to exhibit in the strongest light the immense advantages which have been already derived from these means for improvement—and would, in the necessary deductions therefrom, offer the greatest encouragement for the commencement or zealous prosecution of like efforts, by the much greater number of farmers who as yet have used these means to but small extent, or not at all. And further, these statistics, so easily and cheaply now to be obtained, would serve to indicate the great additions which may be made to the present wealth, population and revenue of the commonwealth, and also to the receipts to the treasury, by the state furnishing merely facilities for instruction in these and other modes of agricultural improvement. It might then appear clearly, that by a liberal and also a *judicious* expenditure by government, to aid and promote agricultural instruction, the outlay would afterwards be more than repaid to the treasury in receipts thereby increased, besides the many hundred fold greater benefits that would accrue to multitudes of individuals, and to the whole commonwealth.

That your petitioner, in his private and humble station, has long studied the particular subject and means of agricultural improvement above referred to, and has been convinced of the great value thereof to public as well as private interests, long before these values became so general as to be apparent in the state documents and statistics of population, wealth and revenue. He is as much convinced that whatever of such gains have already been made, may be increased more than twenty fold, and that to afford agricultural light and instruction is the great, sure and speedy way to obtain this prospective benefit. Impressed with these opinions, your petitioner, in various ways and at sundry former times, has striven to induce the legislature to move in this greatest and yet cheapest of all works for the state improvement. The total failure (thus far) of all efforts to obtain proper legislative action and efficient support for agricultural instruction, and the present appearances of continued inaction, induce your petitioner to ask for the adoption by the legislature of the simple and cheap means here suggested for the accomplishment of some partial, and yet great aid to agricultural instruction and improvement. The first measure, and the only one which your petitioner presumes to propose, is merely to collect, through the commissioners of the revenue of the counties, the statements of quantities of lands marled or limed. The only additional labor required for this purpose of these officers, will be their having an additional column, and making therein a single entry of a few figures for each individual who has to report any such labors. Even if nothing more should follow, the general results of these reports, in connection with other existing statistics of population, assessment and revenue, would present one of the most

interesting and instructive documents ever prepared for any government. And should any further and future action be deemed expedient in the judgment and wisdom of the legislature, this first measure will offer full evidence that governmental aid may be afforded for the diffusion of agricultural knowledge, with certainty of great benefit and gain to important public and private interests, and even to the profit of the treasury itself.

All which is respectfully submitted.

EDMUND RUFFIN.

Hanover, February 14th, 1852.

[DOC. No. XLVI.]

STATEMENTS

RELATIVE TO

SLAVES EXECUTED,

REPRIEVED FOR TRANSPORTATION &c.

1852.

EXECUTIVE DEPARTMENT,
March 2, 1852.

To the Hon. Speaker of the House of Delegates.

SIR,

I have the honor to report herewith the statements required by resolution of the house of delegates of the 6th February last, in relation to slaves executed, reprieved for transportation, &c.

Very respectfully,

Your ob't serv't,

WM. H. RICHARDSON,
Sec'y Com'th.

A LIST

Of all Slaves executed within the five fiscal years ending September 30th, 1851; the Courts where sentenced, the names of the owners, the crimes for which executed, and the Sum paid out of the Treasury for each Slave.

| Names of Slaves. | By what court or courts sentenced. | Names of Owners. | Crimes. | Dates of Executions. | Sum paid out of Treasury. |
|-------------------------------|------------------------------------|----------------------------|------------------------------|----------------------|--|
| Bob, | Nottoway, | Manloye W. Robertson, | Murder, | May 7, 1847, | 715 |
| Posey, | Goochland, | Dr. J. W. Pendleton, | Assault with intent to kill, | " 21, " | 500 |
| Peter, | " | " | " | " 30, " | 500 |
| Willie, | Sussex, | John M. Wynne, | Murder, | " | 520 |
| Daniel, | Halifax, | Jacob Davis, | " | December 10, 1847, | 820 |
| Giles, | Henrico, | Bernard Peyton, | " | February 18, 1848, | 600 |
| Bill, | Logan, | Anthony Lawson, | " | April 28, | 640 |
| Billy or William, | Petersburg, | Lilly Huntcutt, | " | May 12, | 600 |
| King, | Henrico, | Chaborn W. Gooch's estate, | " | July 23, | 710 |
| Jedreese, | Wythe, | Robert Gibborey, | " | September 8, | 420 |
| William, | Goochland, | Martha H. Callett, | Conspiracy and murder. | October 6, | 600 |
| Simon, | Prince Edward, | William T. Wootton, | " | " | 500 |
| " | " | Charles A. Scott, | " | November 10, | 230 |
| Renben alias Brown, | Albemarle, | Dr. Garland A. Garth, | Assault with intent to kill, | August 7, 1849, | 650 |
| Bob, | Halifax, | R. Oliver, | " | " | 380 |
| Jim Mays, | Pittsylvania, | Sammuel Fitzgerald, | Murder, | September 28, | 550 |
| Roberta, | Brunswick, | Sally Ezell, | Poisoning, | October 12, | 550 |
| Eliza, | " | Nancy Griffin, | " | " | 600 |
| Wedley, | Mecklenburg, | Philip Rainey, | Rape, | December 23, | 680 |
| Peter, | Prince George, | James A. Rives, | Arson, | February 8, 1850, | 700 |
| Henry, | Southampton, | Drewry Waller, | Murder, | April 5, | 450 |
| Agnes, | Prince William, | Gerard Mason's estate, | " | July 19, | 350 |
| Henry Gunn, | Henrico, | Richard Whicello's estate, | " | June 28, | 500 |
| Uel or Lewis, | Kanawha, | Loke Wilcox, | Rape, | August 30, | 600 |
| Bob, | Lancaster, | John B. Downman, | Murder, | " 16, | 450 |
| Ben, | Rockbridge, | William McChesney, | Rape, | November 29, | 870 |
| Dick, | Mecklenburg, | Francis W. Boyd's estate, | Poisoning, | March 7, 1851, | " |
| Total paid out of treasury, - | | | | | \$15235; remain'g |
| | | | | | that the valuations of the courts have been received by the owners respectively. |

WM. H. RICHARDSON, Sec. Com.

A LIST

Of all Slaves condemned to be executed, and reprieved for Sale and Transportation, within the five fiscal years ending September 30th, 1851; the Names of the Owners, the Courts where sentenced, the Crimes for which sentenced, the Sum paid out of the Treasury for each, and the Price for which sold by the Executive.

| Names of Slaves. | Names of Owners. | By what County or Corporation Courts sentenced. | Crimes. | Dates of Reprieves. | Sum paid out of Treasury. | Price by Executive. |
|------------------|----------------------------|---|------------------------------|---------------------|---------------------------|---------------------|
| Presley, | Elizabeth Price, | Madison, | Burglary. | October 12, | \$375 00 | \$160 |
| Henry, | Joseph G. B. Ronlhac, | Carroll, | Horse stealing, | November 4, | 500 00 | 500 |
| Bob, | Dorothy Turberville, | Mecklenburg, | Murder, | " 24, | 515 00 | 480 |
| Anhony, | Warren D. Owens, | King George, | Rape, | January 19, | 680 00 | 480 |
| Dick, | George Vaughn (or Baughn), | Hanover, | Robbery, | April 19, | 550 00 | 430 |
| Angustus, | John D. Murrell, | Lynchburg, | Assault with intent to kill. | August 20, | 590 00 | 460 |
| Jim, | George Byars' estate, | Smyth, | Burglary and larceny, | September 30, | 640 00 | 325 |
| Peter, | Samuel Fitzgerald, | Pittsylvania, | Robbery, | October 15, | 710 00 | 460 |
| Janica, | William Slaughter, | Fredericksburg, | Burglary, | November 17, | 605 00 | 460 |
| Patrick, | Robert Wren, | Richmond City, | " | January 4, | 700 00 | 370 |
| Peter Sims, | Joseph Bailey's estate, | " | Assault with intent to kill. | " | 600 00 | 450 |
| Ben Jarvis, | William Jarvis, | " | Burglary, | March 13, | 683 33 | 430 |
| Coleman, | Peter W. Brown, | " | Arson, | " | 650 00 | 430 |
| Walker, | Joseph H. Travis, | King William, | Arson, | " | 460 | |
| Harden, | Lewis B. Lawson, | Logan, | Murder, | May 2, | 625 00 | 460 |
| Edmund, | Peter B. W. Hughes, | Gloucester, | Rape, | " | 640 00 | 520 |
| Kit, | Edward Hall, | " | " | " | 600 00 | 500 |
| Jennette, | Henry Hann, | Angusta, | Assault with intent to kill. | June 12, | 570 00 | 480 |
| Sam Humphreys, | Eliza P. Herbert, | Alexandria county, | Burglary, | August 15, | 330 00 | 100 |
| John, | Charles A. Scott, | Prince Edward, | Conspiracy and murder, | " 18, | 500 01 | 410 |
| John, | John D. Lewis, | Kearawa, | Murder, | September 30, | 350 00 | 250 |
| Henry, | William L. Smith, | Mathews, | Burglary, | October 3, | 600 00 | 400 |
| Harri-on, | George Bailly, | Sinsex, | Rape, | January 6, | 650 00 | 500 |
| Adolphus, | John W. Foster, | Amelia, | Burglary, | " 15, | 530 00 | 600 |
| Fanny, | John W. Morris, | Richmond city, | Arson, | February 6, | 500 00 | 500 |
| Charles, | William R. Johnson, | Roanoke, | Assault with intent to kill, | " 24, | 500 00 | 500 |
| | | | | March 29, | 400 00 | |

| Names of Slaves. | Names of Owners. | By what County or Corporation Courts sentenced. | Crimes. | Dates of Reprieves. | Sum paid out of Treasury. | Sales by Executives. |
|------------------|---------------------------|---|------------------------------|---------------------|---------------------------|----------------------|
| Billy. | Thomas H. Wilcox. | Charles City. | - | May 7. | \$ 650 00 | \$ 500 |
| William,* | A. Hutchinson's estate. | Fauquier. | Attempting to poison. | June 20, | 350 00 | 595 |
| Ton. | John Bibb's estate. | Louisa. | Murder. | " 16. | 550 00 | 375 |
| Nancy. | William Clapton. | Richmond city. | Arson. | July 6, | 491 66½ | 350 |
| Richard Gentry. | John H. Geury. | " | Burglary. | November 14, | 614 24 | 400 |
| Edward Green. | Jane Timberlake. | " | " | " | 628 57 | 700† |
| Phil Alexander. | Mary B. Nelson. | Shenandoah. | Rape. | December 6, | 425 00 | 600 |
| Stephen. | Ann Southall. | Charles City. | Burglary. | January 24, | 650 00 | 600 |
| James. | Richard L. Kemp's estate. | Gloucester. | " | " 28, | 650 00 | 200 |
| Becky. | James A. Rives. | Prince George. | Arson. | " 31, | 450 00 | 100 |
| Jim Collins. | Peter O'Neal. | Norfolk. | Murder. | May 18, | 300 00 | 300 |
| Mack. | William Townes. | Mecklenburg. | Burglary. | June 8, | 600 00 | 600 |
| Joe Forsyth. | Elizabeth H. Brooks. | Campbell. | Assault with intent to kill. | " 21. | 700 00 | 475 |
| Henry. | Hugh Hamilton. | Fauquier. | Burglary. | September 9. | 700 00 | 400† |
| Bob. | William Garth. | Albemarle. | Arson. | November 19, | 760 00 | 350† |
| Lacy Barker. | Mary Raines. | Sussex. | " | March 17, | 330 00 | 600† |
| Tabby. | Susanna Throgmorton. | Henrico. | " | June 25, | 750 00 | 100† |
| Randall. | Henry Sharpe. | " | " | " | 550 00 | 500† |
| Ben. | Edward Fureyrough. | Albemarle. | Assault with intent to kill. | July 15. | 650 00 | |

* Died in the penitentiary.

† The sum received for this slave over the amount paid by the state was refunded to the owner, in pursuance of an act of assembly.

‡ These slaves were sold by the executive on the 8th of December 1851.

WM. H. RICHARDSON, Sec. Com.

A LIST

Of all Slaves sentenced by the Courts to Sale and Transportation from July 1st, 1850, when the New Code went into operation, to the 30th of September 1851; with the Names of the Owners, the Courts where sentenced, the Crimes for which sentenced, the Sums paid out of the Treasury to the Owners, and the Amounts for which the Slaves were sold by the Executive.

| Names of Slaves. | Names of Owners. | By what county or corporation courts sentenced. | Crimes. | When ordered to be brought to penitentiary. | Sums paid out of treasury. | Sums by Executive. |
|------------------|---------------------------|---|----------------------------------|---|----------------------------|--------------------|
| Ned, | James H. C. Leach, | Prince Edward, | Murder in second degree. | October 1, 1850. | \$ 450 | \$ 400 |
| Baker, | George F. Brown, | Westmoreland, | Assault with intent to kill | November 2, 1850, | 600 | 450 |
| John, | F. P. Redman, | Spotsylvania, | Rape. | December 7, 1850, | 350 | 475 |
| Mary, | F. W. Boyd's estate, | Mecklenburg, | Attempting to administer poison, | February 6, 1851, | 500 | 400 |
| Daniel, | " | " | " | " | " | 475 |
| Nelson, | Amanda Dedman, | " | " | " | 770 | 300 |
| William, | John H. Gordon, | " | Assault with intent to kill, | " 24, | 750 | 450 |
| Jerry, | George Price's estate, | Culpeper, | " | March 12, | 250 | |
| John, | William Woolfolk, | Page, | " | April 3, | 710 | 600 |
| Jim, | Francis Gilkerson, | Fluvanna, | " | April 7, | 700 | 400 |
| Daniel,† | W. Green, | Augusta, | Rape. | April 9, | 350 | |
| Caroline, | Hugh McDowell, | Anelia, | Burglary and larceny, | April 30, | 500 | 350 |
| Daniel † | John Persinger, | Hanover, | Infanticide, | May 30, | 700 | |
| William, | George Hamilton, | Rounoke, | Burglary. | June 18, | 800 | 525 |
| Ben, | Harriet Savage, | Fredericksburg, | Assault and robbery. | July 19, | 800 | 580 |
| Joe, | Napoleon Archer, trustee, | Henrico, | " | August 29, | 600 | 475 |
| Marin, | Frances Burgess, | Petersburg, | Murder in second degree. | " | 850 | 475 |
| Minor, | David Bronaugh, | Rappahannock, | " | " | 600 | 300 |
| Abraham, | Tho's Mitchell's estate, | Louis, | Burglary. | " | 600 | 1000 |
| Harry. | Elizabeth Storke, | Westmoreland, | Assault with intent to kill. | April 21, | 780 } | |
| | | | Burglary. | October 1, | 780 } | |

All the sales above specified, except the first three, were made by the executive on the 8th of December 1851.

* Reported by the superintendent of the penitentiary as unsaleable—three fingers of one hand cut off, and another much injured.

† Reported as old and unsaleable. ‡ Died in the county jail.

WM. H. RICHARDSON, Sec. Com'rs.

[DOC. No. XLVII.]

PETITION

OF THE

VIRGINIA STATE AGRICULTURAL SOCIETY.

1862.

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PETITION.

To the General Assembly of Virginia.

The memorial of the Virginia State Agricultural Society, established in Richmond on the 20th day of February 1852, by unanimous resolve, respectfully represents :

That in their judgment, the interest of agriculture, the foundation and prop of every other industrial pursuit in the state, does at this time require the aid of public money and the fostering care of the government : that so far as the members of this society have had an opportunity of judging, the above sentiment is entertained by nearly every farmer in the commonwealth who has formed an opinion on the subject, whilst none are believed to be directly hostile to it.

That this public money will, in the opinion of this society, be best bestowed in a certain sum to be given to a state agricultural society, not to be distributed however to such society until it shall have raised a sum equal to the amount proposed to be donated to it by the state. That the public bounty thus combined with private munificence having been tried in other states and found to answer the ends for which they were united, there is reason to hope that here, with equal intelligence, we shall display equal public spirit and achieve equal public benefit. But should such expectation fail to be realized, that then, no money having been raised on the part of individuals, there will have been no expenditure on the part of the state.

That the common fund thus proposed to be established can be best wielded, and the duties appertaining to the conduct of an agricultural department can be best discharged, by an incorporated state society, upon which shall be devolved certain well defined powers, carrying with them as incidents the details of a complete organization. That the arrangement of such details, as being matter purely administrative, and therefore totally distinct from legislation, should be left to such incorporated society, which can be held in check by a reserved power to repeal its charter whenever the legislature may see fit to do it.

That should it be made the duty of said society to appoint a suitable agent, to be paid out of funds already provided by a law of the state, provided a suitable one can be obtained at an adequate salary, to agitate among the farmers of the state the questions of professional and economic interest which are being debated elsewhere or may arise among us, that much good may be done by stimulating them to a greater degree of reflection and activity than has heretofore

marked their progress. That should it be made the further duty of said society, on the same conditions as above, and out of funds likewise already provided for that purpose by the state, to make such arrangements as will place the infant science of agricultural chemistry in their nurture, that good may be done in developing the truths of said science, in pursuing its results to their legitimate consequences, and in protecting farmers against quackery, which is ready prepared to prey upon their natural and necessary ignorance, at considerable and useless cost, if not to the injury of both the farmer and the science.

That the said society if properly endowed will become at once the germ of a bureau of agriculture, which, at maturity, shall include in its sphere everything relating to the cultivation of the soil, and shall act in conjunction with the legislature for the success of the great interest upon which, far more than any other, depend the wealth and virtue and glory of the state. The society omit for brevity's sake the many considerations which crowd upon them, and which, followed out to the end, exhibit the intimate connection of agriculture with all other kinds of improvement.

Indirectly bearing as they do nearly all the burthens of government, and contributing directly so large a proportion of the taxes of the state, they deem the farmers entitled to a small portion of the common fund; and therefore respectfully petition the legislature to commence at the fountain head and give a few thousands for the direct encouragement and increase of those productions, which it is expending annual millions to introduce to the markets of the world.

Richard G. Morris,
Thos. J. Randolph,
N. L. Anderson,
W. H. Southall,
John C. Carter,
Frank G. Ruffin,
Wm. H. Gilmer,
Wm. Garth,
Geo. W. Craven,
B. F. Randolph,
Jesse L. Maury,
James F. Fry,
Raleigh Colston,
Edward Forneyhough,
John R. Woods,
Benjamin Woods,
John Wood, jr.
R. W. N. Noland,
Franklin Minor,
George C. Reeves,
Joseph W. Bell,
Nicholas Kinney,
James Walker,
John Brown.

R. S. Ellis,
Richard W. Field,
E. B. Jones,
Th. J. Edmunds,
D. C. Dejarnett,
Alex. F. Taylor,
T. B. Anderson,
C. T. Stewart,
Ambrose Ford,
J. H. Davis,
James M. Morson,
Ric'd S. Allen,
John Scott,
Edmund Ruffin,
M. L. Brockenbrough,
G. W. Richardson,
Thos. Ritchie, jr.
Ch. B. Williams,
James C. Spotts,
Jas. T. Sutton, jr.
Lewis D. Crenshaw,
Nath. F. Bowe,
D. W. Haxall,
A. Robinson, jr.

**C. C. Lee,
Jos. C. Burton,
Jas. M. Carter,
Rich. D. Hill, jr.
B. F. Dew,
W. R. Ragland,
Jos. A. Reed,
Wm. Townes,
Wm. W. Harris,
E. G. Booth,
Rich'd Irby,
Wm. G. Crenshaw,
John M. Patton,
Th. Edmunds,**

**John F. Whitfield,
Joseph S. Walthall,
Bernard Peyton,
S. C. Davis,
Henry C. Cabell,
James A. Seddon,
Robert Grattan,
Wilkoughby Newton,
E. T. Morris,
Geo. W. Bassett,
John R. Garnett,
N. Bare,
M. Martz.**

[DOC. No. XLVIII.]

STATEMENT

OF

BALANCES DUE THE STATE

ON ACCOUNT OF

THE REVENUE FOR 1843,

AND

SUBSEQUENT YEARS.

1862.

AUDITOR'S OFFICE,
RICHMOND, March 5, 1852.

SIR,

I have the honor of furnishing to the house of delegates a statement in answer to a resolution of that body, adopted on the 16th of February last, which, though not in strict compliance with that resolution, I hope will be satisfactory.

I am, with high respect,

Your obedient servant,

RO. JOHNSTON,
First Auditor.

*To the Honorable the Speaker of the
House of Delegates of Virginia.*

A STATEMENT

Of the Balances, where they are considerable, due from Counties of the Commonwealth on account of the Revenue for the year 1843 and subsequent years, in answer to a Resolution of the House of Delegates adopted on the 16th February 1852.

| COUNTIES. | SHERIFFS. | AMOUNTS. | REMARKS. |
|---------------|--------------------------------|----------|---|
| Barbour, | G. Nestor, late sheriff, | \$ 36 18 | Tax on licenses, 1851. |
| | H. Sturm, sheriff, | 255 89 | Taxes of 1851. |
| Boone, | J. Adkins, late sheriff, | 21 58 | Tax on licenses, 1851. |
| | S. C. Ballard, sheriff, | 198 60 | Taxes of 1851—no delinquents returned. |
| Braxton, | A. Squires, late sheriff, | 16 41 | Tax on licenses, 1851. |
| | S. Skidmore, sheriff, | 323 68 | Taxes of 1851. |
| Cabell, | F. G. L. Buehring, late sh'ff, | 246 13 | Taxes of 1850, notice to June court 1851 not served. |
| | " | 39 63 | Tax on licenses, 1851. |
| | A. McGinness, | 337 22 | Taxes of 1851. |
| Chesterfield, | W. Goode, | 1153 29 | Taxes of 1851. |
| Frederick, | Geo. Reid, late sheriff, | 464 20 | Tax on licenses, 1848—judgment against his administratrix June term 1849 of the general court. |
| Gilmer, | B. Cook, late sheriff, | 315 60 | Taxes of 1847—judgment with interest and damages, June term of the general court 1848; execution returned, "no property found in my bailiwick." |
| | " | 471 60 | Taxes of 1848. |
| | " | 18 99 | Tax on licenses 1849—judgments obtained against sundry securities of Cook for the taxes of 1847 and '48, on the 2d July 1851—executions issued and under control of an agent. |
| | A. Huffman, sheriff, | 55 80 | Taxes of 1850—notice to June court 1851 not served. |
| | " | 1521 87 | Taxes of 1851. |
| Hancock, | W. H. Grafton, sheriff, | 472 01 | Taxes of 1851. |
| Jackson, | A. Smith, late sheriff, | 606 70 | Taxes of 1850—judgment with interest and damages, obtained 8th July 1851—execution issued, and \$608 18 additional made thereon, per return. |
| | " | 9 50 | Tax on licenses, 1851. |
| | Jno. Armstrong sheriff, | 733 00 | Tax of 1851—claims amounting to about \$215, to be applied to this account, not yet examined. |
| Kanawha, | J. P. Turner, late sheriff, | 2148 71 | Taxes of 1850; judgment with interest and damages obtained 2d July 1851; execution issued. |
| | " | 59 72 | Tax on licenses 1851. |
| | J. Hansford, sheriff, | 2707 75 | Taxes of 1851. |
| Logan, | H. Farley, | 203 98 | Taxes of 1850; notice to June court 1851 not served. |
| | " | 462 78 | Taxes of 1851. |
| | W. A. Dinges, late sheriff, | 529 51 | Taxes of 1849; notice to June court 1851 not served. |
| | " | 10 93 | Tax on licenses 1850. |
| Mercer, | C. White, late sheriff, | 11 88 | Taxes on licenses 1851. |
| | Richard Hall, sheriff, | 738 33 | Taxes of 1851. |
| Monroe, | Wm. Vass, late sheriff, | 47 50 | Tax on licenses 1851. |
| | John Hinton, sheriff, | 716 40 | Taxes of 1851. |

| COUNTIES. | SHERIFFS. | AMOUNTS. | REMARKS. |
|----------------|-------------------------------|----------|--|
| Momongalia, | Wm. John, sheriff, | 933 90 | Taxes of 1851. |
| Nicholas, | J. M. Hamilton, late sheriff, | 23 75 | Taxes of 1843, with interest and damages on \$113 75; amount of judgment June term 1844 of the general court. |
| | J. Gregory, late sheriff, | 71 82 | Taxes of 1847; judgment June term 1851 of the general court. |
| | " | 12 52 | Tax on licenses 1848. |
| | B. Hendrick, late sheriff, | 25 21 | Taxes of 1849. |
| | W. Sims, sheriff, | 369 71 | Taxes of 1851. |
| Pocahontas, | J. Moore, late sheriff, | 91 95 | Taxes of 1843; judgment for \$340 52, with interest and damages, obtained June general court 1844; last execution issued 30th Aug. 1850; returned "no property found." |
| | Isaac Moore, sheriff, | 1715 40 | Taxes of 1851. |
| Prince Will'm, | T. Nelson, late sheriff, | 2 57 | Taxes of 1844. |
| | " | 5 70 | Tax on licenses. |
| | L. G. Alexander, late sh'ff, | 37 23 | Taxes of 1843; judgment with interest and damages thereon obtained June 1844; execution returned "no property found of defendant that any part of the within can be made." |
| Raleigh, | J. S. Clay, sheriff, | 159 22 | Taxes of 1851. |
| Scou, | J. Godsey, | 4 21 | Taxes of 1850. |
| | " | 743 89 | Taxes of 1851. |
| Stafford, | J. R. Fitzhugh, sheriff, | 400 89 | Taxes of 1851. |
| | " | 17 00 | Tax on free negroes 1850. |
| Tazewell, | Wm. Thompson, | 2110 41 | Taxes of 1851; commissioner's books delivered to the sheriff on the 19th and 27th August 1851. |
| Upshur, | John Reger, | 244 28 | Taxes of 1851. |
| Wetzel, | E. Payne, | 14 41 | Tax on licenses 1851. |
| | E. Clarke, | 539 56 | Taxes of 1851. |
| Wyoming, | James Cook, | 9 27 | Taxes of 1850. |
| | " | 283 59 | Taxes of 1851. |

I have only included balances becoming due within the last nine years that are large compared with the amount of revenue due from the county. In almost every case in which there is a balance due for the taxes of 1851, there are insolvent lists, and perhaps claims on the commonwealth, not yet returned. These lists of insolvents and claims will, when sent in, be credited to the sheriffs, and their indebtedness to that extent reduced. The books of the commissioners of the revenue were not generally put into the hands of the sheriffs at as early a period as usual last year, and collections were thereby delayed. This was occasioned by the difficulties in making out the land books under the late assessment, and the lateness of the passage of the tax bill of 1851. The balances for 1851 are not unusually large.

All of which is respectfully submitted.

RO. JOHNSTON, *First Auditor.*

Auditor's Office, 3d March 1852.

[DOC. No. XLIX.]

REPORT

OF THE

COMMITTEE OF PRIVILEGES AND ELECTIONS

RELATIVE TO

THE CONTESTED ELECTION

FROM THE

COUNTIES OF BROOKE AND HANCOCK.

1852.

REPORT.

The committee of privileges and elections have, according to order, had under consideration the petition of Samuel F. Marquis, to them referred, complaining of the undue election of Edward Smith, the delegate returned from the district composed of the counties of Brooke and Hancock, in the present house of delegates, and have agreed upon a report and come to the following resolutions :

It appears to your committee that a notice was furnished by the said Samuel F. Marquis to the said Edward Smith of his intention to contest his right to a seat in the present house of delegates as a member from the said district, which notice contained a list of the votes to which said Marquis objected, and is in the words and figures following, to wit :

DR. EDWARD SMITH.

SIR,

Having understood that the sheriffs from Brooke and Hancock counties, as the result of the general election for delegate to the next general assembly of Virginia, held on the 8th day of December 1851, in said counties, *have* granted to you a certificate of election, thereby authorizing you to take a seat in said house of delegates as the delegate elect from Brooke and Hancock counties : now take notice, that I intend before said house of delegates to contest your right to a seat in that house ; further intend to insist that I alone have that right, by having received a majority of the legal votes polled at the election aforesaid.

You will further take notice that I intend to insist that James Wycoff of Hancock county, whose vote is polled for you, did not vote for you, but that in truth and in fact the said James Wycoff of Hancock county aforesaid, voted for myself.

You will further take notice that I intend to object to and insist upon the unlawfulness of the following list of votes polled for you at said election, on the ground that the voters were not legally qualified to vote at said election ; that is to say :

1. Canvass Ames of Brooke county, because he had not resided two years in this state next before said election day.

2. Joseph Kirkwood of Brooke county, because he had not resided two years in this state next before said election day.

3. James Gist of Brooke county, because he had not resided two years in this state next before said election day.

4. William Smith of Brooke county, because he had not resided two years in this state next before said election day.

5. Thomas McCann of Brooke county, because he had not resided two years in this state next before said election day.

6. John Owens of Brooke county, because he had not resided two years in this state next before said election day.

7. Franklin Shearer of Brooke county, because he had not resided two years in this state next before said election day.

8. Edward Odell of Brooke county, because he had not resided two years in this state next before said election day.

9. John Mendel of Brooke county, because he had not resided two years in this state next before said election day.

10. J. F. McDermot of Brooke county, because he had not resided two years in this state next before said election day.

11. Levi Null of Brooke county, because he had not resided two years in this state next before said election day.

12. Thomas Null of Brooke county, because he had not resided two years in this state next before said election day.

13. John Null of Brooke county, because he had not resided two years in this state next before said election day.

14. Jacob Clemens of Brooke county, because he did not in fact vote for you, or for a delegate at all.

15. T. Robinet of Brooke county, because he was not twenty-one years old on the day of said election.

16. Jos. Curtis of Brooke county, because he had not resided one year in Brooke county next before said election day.

17. G. B. Hornish of Brooke county, because he had not resided two years in this state next before said election day.

18. George Scott (carpenter) of Hancock county, because he had not resided two years in this state next before said election day.

19. William Grafton of Hancock county, because he had not resided two years in this state next before said election day.

20. Benjamin Jackson of Hancock county, because he had not resided two years in this state next before said election day.

21. John A. Steel of Hancock county, because he had not resided two years in this state next before the election day.

22. David Cain of Hancock county, because he had not resided two years in this state next before the election day.

23. John Young of Hancock county, because he had not resided two years in this state next before said election day.

24. Samuel Linn of Hancock county, because he had not resided two years in this state next before said election day.

25. James Murray of Hancock county, because he had not resided two years in this state next before said election day.

26. William Scadden of Hancock county, because he had not resided two years in this state next before said election day.

27. Samuel Huff of Hancock county, because he did not vote for you, but in fact for myself, at said election.

28. John Hudson of Hancock county, because he had not resided one year in Hancock county next before said election day.

29. John W. Hobbs of Hancock county, because he had not resided one year in Hancock county next before said election day.

30. Robert Wilson of Hancock county, because he had not resided one year in Hancock county next before said election day.

31. Reason Gardner of Hancock county, because he had not resided one year in Hancock county next before said election day.

32. Joseph Thorn of Hancock county, because he was not twenty-one years old on the day of said election.

33. David Gallaher, jr. of Hancock county, because he was not twenty-one years old on the day of said election.

34. David Hauselman of Hancock county, because he was not twenty-one years old on the day of said election.

35. Jos. Pugh of Hancock county, because he was not twenty-one years old on the day of said election.

36. Isaac Allison of Hancock county, because he was not twenty-one years old on the day of said election.

37. James Johnston of Hancock county, because he was not twenty-one years old on the day of said election.

38. William Patterson of Brooke county, because he had not resided two years in this state next before said election day.

You will further take notice that I intend to claim the vote of Joseph Lagear, who offered to vote for me, and who made oath that he was entitled to vote, but whose vote was rejected by the officers superintending that election in Brooke county.

You will further take notice that a further list of votes objected to, as well as a further list of lawful votes polled for me and afterwards expunged, will be given you, together with the reasons therefor, within the time prescribed by law for giving notice of intention to contest.

You will further take notice that I intend to object to and insist on the unlawfulness of the entire poll taken in Brooke county, because it was not taken in duplicate form, as required by law and by the schedule and constitution.

SAMUEL F. MARQUIS.

VIRGINIA—Brooke county, *sc*:

I, Samuel F. Marquis, do swear that I have reason to believe that the persons whose names I have above objected to as voters for Dr. Edward Smith are not legally qualified to vote in Brooke or Hancock counties respectively, and that in so far as the names I have mentioned above as having voted or offered to vote for myself but was rejected, I have reason to believe they are qualified to vote in Brooke or Hancock county respectively.

SAMUEL F. MARQUIS.

December 25, 1861.

Sworn to and subscribed before me, a justice of the peace in and for the county of Brooke aforesaid, this 25th day of December 1861.

J. N. MILLER, J. P.

VIRGINIA—Brooke county, to wit :

Personally appeared before me, a justice of the peace in and for said county, James Barnes, and made oath that he served a true copy of the within notice on the within named Edward Smith, on the 27th day of December 1851. Given under my hand this 27th day of December 1851.

J. N. MILLER, J. P.

Resolved as the opinion of the committee, That the notice of Samuel F. Marquis is legal.

In relation to the vote of Canvass Ames, the only evidence submitted by the contestant is the deposition of the said Ames, who swears that he came to Virginia in 1848, between Christmas and new year, and had resided in Brooke county ever since.

Resolved therefore as the opinion of the committee, That the vote of the said Canvass Ames is legal.

In relation to the vote of Joseph Kirkwood, it appears from his deposition that he moved into the state in the spring of 1839, was absent from the state from December 1850 to January 1851, but did not go away to stay; his father lives in the county of Brooke, and has resided in that county eight or nine years.

Resolved as the opinion of the committee, That the vote of the said Joseph Kirkwood is legal.

The deposition of James Gist shews, that he was born and raised in the state of Virginia. In the fall of 1848 or '49, he went into the state of Ohio for a few weeks to work at his trade as a journeyman tailor, returned in the following winter and has remained in Brooke county ever since.

Resolved as the opinion of the committee, That the vote of the said James Gist is legal.

The deposition of William Smith states, that he became a resident of the state of Virginia on the 2d day of April 1850.

Resolved therefore as the opinion of the committee, That the vote of William Smith is illegal.

The deposition of Thomas McCan states, that he came into this state about four years previous to the election on the 8th of December last, that he had resided with a Mr. Perry, and had never changed his residence with the intention of staying during that period, and that he had resided in this state for two years next before the said election.

Resolved therefore as the opinion of the committee, That the vote of the said Thomas McCan is legal.

In regard to the vote of John Owens, it appears that Samuel F. Marquis (the contestant) conceded before the justice before whom the depositions were taken that it was good.

Resolved therefore as the opinion of the committee, That the vote of the said John Owens is legal.

The deposition of Franklin Shearer states, that he had resided in the state since the 1st or 2d day of June 1849; that he spent about four months in Steubenville since that period, but without an intention

of changing his residence; that his father and mother lived in the county of Brooke, and that his residence was with them, and that he kept his things at their house, and that when he went to Steubenville he was under age; went there to get work, and was in the habit of visiting his father while he was in Steubenville.

Resolved as the opinion of this committee, That the vote of the said Franklin Shearer is legal.

The deposition of Edward Odell states, that he had not lived in this state two years next before the election; that he had moved out of the state and returned from Ohio in the harvest of 1850, and would have remained out of the state if he had found a place to suit him.

Resolved as the opinion of the committee, That the vote of the said Edward Odell is illegal.

No evidence whatever being laid before the committee in regard to the character of John Mundel's vote by either party, the affidavit of the contestant was esteemed as *prima facie* evidence of the truth of the exception taken by him. Edward Smith, the delegate returned, also concedes that John Mundel was not entitled to vote.

Resolved therefore as the opinion of the committee, That the vote of the said John Mundel is illegal.

The depositions of J. F. McDermot and W. Maxwell state positively, that the said J. F. McDermot came to Brooke county in November 1849, and that he had resided in that county ever since.

Resolved therefore as the opinion of the committee, That the vote of the said J. F. McDermot is legal.

The deposition of Thomas Null proves that Levi Null had resided in this state more than two years next before the election, and Samuel F. Marquis concedes that the vote of the said Levi Null is good.

Resolved therefore as the opinion of the committee, That the vote of the said Levi Null is legal.

The deposition of Thomas Null states, that he had resided in this state more than two years previous to the election on the 8th of December last.

Resolved therefore as the opinion of the committee, That the vote of the said Thomas Null is legal.

The deposition of Thomas Null states, that John Null came into this state the latter part of October 1849, and had resided here ever since.

Resolved therefore as the opinion of this committee, That the vote of the said John Null is legal.

The deposition of Jacob Clemens states, that he voted on the 8th day of December 1851 by handing to the sheriff the whig ticket, with all the candidates' names crossed, except Summers; that he did not intend to vote for any man except Summers; did not hear the sheriff call his vote—just handed him the ticket and walked away; that during the day, while the election was going on, he heard that his vote had been recorded for Edward Smith; he did not go to have it corrected; did not care about it; supposed the judges would do what was right about it; did not know that he could have it corrected, and if he had, did not know that he would have concerned

himself about it; and that when he said that he supposed the judges would do what was right he meant that whatever they did was right. The exception taken to the vote of Jacob Clemens by the contestant is, that "he did not vote for a delegate at all."

Resolved as the opinion of the committee, That the vote of the said Jacob Clemens is legal.

The deposition of T. Robinet and that of his father, Allen Robinet, prove, that he was more than twenty-one years old on the day of election the 8th of December last.

Resolved therefore as the opinion of the committee, That the vote of the said T. Robinet is legal.

The deposition of Josiah Curtis states, that he came into Brooke county about the 1st day of December 1850; the exact day he does not remember; that the date of his commencing work with his son appears from his books to be the 1st day of December 1850, and that he moved his family into Brooke county on the same day he commenced work with his son.

Resolved as the opinion of the committee, That the vote of the said Josiah Curtis is legal.

The deposition of A. M. Hornish states, that George B. Hornish had been in this state two years next before the election on the 8th of December last, and had not left the state during that time to live elsewhere.

Resolved therefore as the opinion of the committee, That the vote of the said G. B. Hornish is legal.

There being no evidence offered by Edward Smith, the delegate returned, to prove the legality of George Scott's vote.—

Resolved as the opinion of the committee, (under the rule adopted,) That the vote of the said George Scott is illegal.

The deposition of Benjamin Jackson admits that he had not been a resident of this state for two years next preceding the 8th day of December 1851.

Resolved therefore as the opinion of this committee, That the vote of the said Benjamin Jackson is illegal.

The deposition of John A. Steele admits that he had not resided in the state of Virginia two years next preceding the election for house of delegates of Virginia, which took place on the 8th day of December 1851.

Resolved therefore as the opinion of the committee, That the vote of the said John A. Steele is illegal.

The deposition of David Cain states, that he had resided two years in the state of Virginia and one year in the county of Hancock, next preceding the election for a member of the house of delegates of Virginia, which took place on the 8th December 1851.

Resolved therefore as the opinion of the committee, That the vote of the said David Cain is legal.

The deposition of John Young admits that he had not been a resident of Virginia for two years next preceding the election on the 8th day of December 1851.

Resolved therefore as the opinion of the committee, That the vote of the said John Young is illegal.

There being no evidence offered on the part of Edward Smith in regard to the character of the vote of Samuel Linn:

Resolved as the opinion of the committee, That the vote of the said Samuel Linn is illegal.

The deposition of James Murray states, that he has considered the county of Hancock as his place of residence for the last twelve or fourteen years; that he has been out of the county for eight or nine months at one time during this period; but that he has been a permanent citizen of the county for two years preceding the 8th day of December 1851.

Resolved therefore as the opinion of the committee, That the vote of the said James Murray is legal.

The deposition of William Scadden states, that he moved out of the state within the last two years preceding the election on 8th December 1851, with the intention of staying out; that he moved into Pennsylvania, and while there had his residence and family there; that he moved to Pennsylvania on the 12th day of January 1851, and moved back to Virginia on the 10th day of October of the same year, and that he moved into Pennsylvania because John Gardner and Jackson Marks had no house for him to go in at that time. John Gardner and Joseph Marks live in Virginia, Hancock county:

Resolved as the opinion of the committee, That the vote of the said William Scadden is illegal.

No evidence whatever was presented to the committee in regard to the vote of Samuel Huff.

Resolved therefore as the opinion of the committee, That the vote of the said Samuel Huff is illegal.

The deposition of John Hutson states, that he had been a resident of the state of Virginia for two years next preceding the election on the 8th of December last, and that he moved into the county of Hancock on the first or second week of April 1851.

Resolved as the opinion of the committee, That the vote of the said John Hutson is illegal.

The deposition of John W. Hobbs shews, that he had not resided in the county of Hancock one year preceding the election on the 8th December 1851.

Resolved as the opinion of the committee, That the vote of the said John W. Hobbs is illegal.

The deposition of Robert Wilson states, that he was twenty-one years of age previous to the 8th of December 1851; was born on the 24th of September 1830; that he had been out of the state as long as eight weeks at a time, but temporarily, having his washing or a part of it in the county of Hancock all his life, and considering this county as his place of residence.

Resolved as the opinion of the committee, That the vote of the said Robert Wilson is legal.

The deposition of R. Gardner states, that he had resided two years in the state of Virginia, and one year in the county of Hancock, next preceding the election on the 8th of December 1851.

Resolved therefore as the opinion of the committee, That the vote of the said R. Gardner is legal.

The deposition of Joseph Thorn states, that he was twenty-one years of age previous to the election on the 8th of December 1851; he was born in the year 1829.

Resolved therefore as the opinion of the committee, That the vote of the said Joseph Thorn is legal.

The deposition of David Gallaher states, that he was twenty-one years of age, according to the record of his father, on the 10th day of October 1851; he was born in the year 1830.

Resolved as the opinion of the committee, That the vote of the said David Gallaher is legal.

The deposition of David Hauselman states, that he was born on the 3d day of February 1833, according to the record of his family.

Resolved as the opinion of the committee, That the vote of the said David Hauselman is illegal.

The deposition of Joseph Pugh states, that according to the best knowledge he can gain, he was not twenty-one years of age on the 8th of December 1851.

Resolved therefore as the opinion of the committee, That the vote of the said Joseph Pugh is illegal.

The deposition of Isaac Allison states, that from the best information he can get from his parents and others, he was twenty-one years of age previous to the 8th of December 1851.

Resolved as the opinion of the committee, That the vote of the said Isaac Allison is legal.

The deposition of James Johnson states, that he was twenty-one years of age previous to the 8th day of December 1851; his age was taken down in a book, which makes him twenty-one years of age on the 29th day of June 1851.

Resolved as the opinion of the committee, That the vote of the said James Johnson is legal.

No evidence being presented in regard to the character of William Patterson's vote:

Resolved as the opinion of the committee, That the vote of the said William Patterson is illegal.

Resolved as the opinion of the committee, That in the exception taken by Sam'l F. Marquis that there were not duplicate polls kept at the election in Brooke county, there is no sufficient cause to vacate the seat of Edward Smith, the delegate returned from the counties of Brooke and Hancock.

The second notice referred to in the foregoing notice as intended to be given by Sam'l F. Marquis to Edward Smith, is in the words and figures following, to wit:

TO DR. EDWARD SMITH,

In my former notice I informed you that a farther list of votes polled for you, to which I would object, would be given you within the time prescribed by law.

You will therefore take notice that I intend to object to, and insist

upon the illegality of the following list of votes polled on December 8th, 1851, for you as a delegate to the general assembly of Virginia at its next session; that is to say:

1. Thomas Henderson of Brooke county, because he is a foreigner by birth, and has not been naturalized.

2. James Henderson of Brooke county, because he is a foreigner by birth, and has not been naturalized.

3. Archibald Campbell of Brooke county, because he was a foreigner by birth, and has not been naturalized.

4. Dr. A. W. Campbell of Brooke county, because he is a foreigner by birth, and has not been naturalized.

5. Doss Atkinson of Hancock county, because he has not resided two years in this state next before said election day.

I do swear, that I have reason to believe the persons whose names are above mentioned are not legally qualified to vote in the county of Brooke or Hancock respectively.

SAMUEL F. MARQUIS.

Sworn to and subscribed before me, a justice of the peace in and for Brooke county, Virginia, this 30th day of December 1851.

J. N. MILLER, J. P.

VIRGINIA—*Brooke County, to wit:*

Personally appeared before me, a justice of the peace in and for said county, James Barnes, and made oath that he delivered a true copy of the within notice on the within named Edward Smith, on the 30th day of December 1851. Given under my hand this 30th day of December 1851.

J. N. MILLER, J. P.

Resolved as the opinion of the committee, That the second notice of Samuel F. Marquis is legal.

The deposition of James Henderson states, that he claims to be a citizen of the United States on the ground of his father's naturalization, (and it was agreed that Arthur Henderson, the father of deponent, was naturalized the 25th of May 1840, and declared his intentions in September 1834;) that he was born in the year 1817, which would make him about twenty-three at the time his father was naturalized; that he was never naturalized by his own action; that his father came to the United States in 1826 or 1827, and that he came with him and lived with him ever since, as a member of his family.

Resolved as the opinion of the committee, That the vote of James Henderson is illegal.

In regard to the vote of Thomas Henderson, it was admitted by the parties that his case was precisely the same as that of James Henderson, except that he was born in 1815.

Resolved as the opinion of the committee, That the vote of Thomas Henderson is illegal.

The deposition of A. W. Campbell states, that he presumes he is a citizen of the United States by the naturalization of his father; that he does not know when his father was naturalized; does not remember to have heard his father say in so many words that he was naturalized, and cannot say positively that his father was naturalized; that he had voted for some twenty-five years with the knowledge and consent of his father, which he presumes his father would not have given, had it been improper for him to do so, and that his vote had never been challenged during that time; that his father came to this country about one year before he did, and that he was then between three and four years of age, and that he is now in his forty-fifth year; that he lived with his father until his majority, and is not aware that his father ever voted.

Resolved as the opinion of the committee, That the vote of A. W. Campbell is illegal.

Upon an inspection of the polls of Brooke and Hancock counties, it does not appear that the names of Arch'd Campbell and Doss Atkinson, challenged by Samuel F. Marquis, are upon that of Edward Smith.

In regard to the vote of Joseph Lagear, whose vote was recorded and afterwards erased by the commissioners, the deposition of John Lagear states, that he was one of the commissioners of election when Joseph Lagear voted; that the said Joseph was sworn, and stated that he had never removed from the county of Brooke; that he had been absent about two months in Philadelphia looking for a situation; that his vote was erased upon the ground of his having removed from the state; that he dissented from the opinion of a majority of the commissioners and insisted that Joseph Lagear's vote was good, on the ground that he had sworn that Brooke county was his home, and that he was to be believed upon his oath.

Resolved as the opinion of the committee, That the vote of the said Joseph Layear is legal, and should be counted on the poll of Samuel F. Marquis.

The deposition of James Wycoff, that he voted for Samuel F. Marquis as a delegate to the general assembly, on the 8th day of December 1851, by handing a ticket, on which was the name of Samuel F. Marquis; that the sheriff read it and asked him if that was his vote; that the sheriff read it distinctly so that the clerks could hear it.

Resolved as the opinion of the committee, That the name of James Wycoff, which stands on the poll of Edward Smith, be transferred to that of Samuel F. Marquis.

The deposition of John M. Grafton, deputy sheriff of Hancock county, states, that when he summoned William Grafton, one of the persons, in a subpoena, to appear on the day on which the depositions were taken, and whose vote was challenged, he found him unable to attend on account of sickness; that deponent knows from his own personal knowledge, that William Grafton had not resided in this state two years next before the day of election, and that the said William had that day himself told him that he had not resided in the state two years next preceding the election.

Resolved as the opinion of the committee, That the vote of the said William Grafton is illegal.

On the seventh day of January 1852, Edward Smith caused a notice to be served on Samuel F. Marquis, in the following words and figures, to wit :

DR. SAMUEL F. MARQUIS.

SIR,

You will take notice, that I intend to resist the effort about to be made by you, before the next house of delegates of Virginia, to contest and oust me from my seat in that body ; that I intend to insist that all the votes given for me, and to which you have objected, were given by legally qualified voters, and that the entire poll of Brooke county was properly and legally taken and returned. You will further take notice, that I intend to object to the following list of votes given for you at said election for a member of the house of delegates of Virginia from the district composed of the counties of Brooke and Hancock, on the 8th December 1851, on the ground that the persons who gave those votes respectively were not qualified according to law and the constitution to vote at said election for a member of the house of delegates ; that is to say, I object to the vote of

1. Oliver Shrimplin of Brooke county, because he was not twenty-one years of age on the day of said election.

2. Francis Kirkwood of Brooke county, because he was not twenty-one years of age on the day of said election.

3. John G. Agnew of Brooke county, because he was not twenty-one years of age on the day of said election.

4. Josiah Baty of Brooke county, because he was not twenty-one years of age on the day of said election.

5. William Kemp of Brooke county, because he was not twenty-one years of age on the day of said election.

6. John Bowman (of William) of Brooke county, because he was not twenty-one years of age on the day of said election.

7. Thomas Hally of Brooke county, because he was not twenty-one years of age on the day of said election.

8. Parker Brooks of Brooke county, because he had not resided in this county for one year next before said election day.

9. Wm. Rush Adams of Brooke county, because he had not resided in this county for one year next before said election day.

10. Otho Roberts of Brooke county, because he had not resided in this county for one year next before said election day.

11. Milton Wells of Brooke county, because he had not resided in this county for one year next before said election day.

12. Josias Zook of Brooke county, because he had not resided in this county for one year next before said election day.

13. Otho Davis of Brooke county, because he had not resided in this county for one year next before said election day.

John G. Agnew of Brooke county, because he had not resided in this county for one year next before said election day.

John Bowman (of Willim) of Brooke county, because he had not resided in this county for one year next before said election day.

14. John Campbell of Brooke county, because he had not resided in this state for two years next before said election day.

John Bowman (of William) of Brooke county, because he had not resided in this state for two years next before said election day.

John G. Agnew of Brooke county, because he had not resided in this state for two years next before said election day.

15. James Carey of Brooke county, because he had not resided in this state for two years next before said election day.

16. David Riddle of Brooke county, because he had not resided in this state for two years next before said election day.

17. Moses Applegate of Brooke county, because he had not resided in this state for two years next before said election day.

18. James Miller of Brooke county, because he had not resided in this state for two years next before said election day.

19. George Young of Brooke county, because he had not resided in this state for two years next before said election day.

20. John Buchanan of Brooke county, because he had not resided in this state for two years next before said election day.

21. James Smith of Brooke county, because he had not resided in this state for two years next before said election day.

22. Robert Smith of Brooke county, because he had not resided in this state two years next before said election day.

23. J. Odell of Brooke county, because he had not resided in this state for two years next before said election day.

24. John Kirk of Brooke county, because he is a foreigner by birth, and has not been naturalized.

25. Rob't White of Brooke county, because he is a foreigner by birth, and has not been naturalized.

26. Wm. Gibson of Brooke county, because he is a foreigner by birth, and has not been naturalized.

27. Martin Hildreth of Brooke county, because he is a foreigner by birth, and has not been naturalized.

28. George Girner of Brooke county, because he is a foreigner by birth, and has not been naturalized.

29. Michael Coyle of Brooke county, because he is a foreigner by birth, and has not been naturalized.

30. Wm. Wetherill of Brooke county, because he is a foreigner by birth, and has not been naturalized.

31. Wm. Davis of Brooke county, because he had not resided in this state for two years next before said election day.

Wm. Davis of Brooke county, because he had not resided in this county for one year next before said election day.

32. John Booth of Brooke county, because he had not resided in this county for one year next before said election day.

John Booth of Brooke county, because he had not resided in this state for two years next before said election day.

33. Wm. Barret of Hancock county, because he had not resided in this state for two years next before said election day.

Henric.
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34. Samuel McConnel of Hancock county, because he had not resided in this state for two years next before said election day.

35. Alex'r Maxwell of Hancock county, because he had not resided in this state for two years next before said election day.

Alex. Maxwell of Hancock county, because he had not resided in this county for one year next before said election day.

36. Andrew Burns of Hancock county, because he had not resided in this state for two years next before said election day.

37. Jackson Brannon of Hancock county, because he was not twenty-one years of age on the day of said election.

38. Henry McLaughlin of Hancock county, because he had not resided in this state for two years next before said election day.

39. John Monypenny of Hancock county, because he had not resided in this state for two years next before said election day.

40. Thomas Monypenny of Hancock county, because he had not resided in this state for two years next before said election day.

41. Alexander Monypenny of Hancock county, because he had not resided in this state for two years next before said election day.

John Monypenny of Hancock county, because he was not twenty-one years of age on the day of said election.

42. John Robb (married to Monypenny) of Hancock county, because he had not resided in this state for two years next before said election day.

43. Robert Laird of Hancock county, because he is a foreigner by birth, and has not been naturalized.

44. James Longstretch of Hancock county, because he was not twenty-one years of age on the day of said election.

45. Robert O'Hara of Hancock county, because he is a foreigner by birth, and has not been naturalized.

46. Thomas Bonsall of Hancock county, because he had not resided in this county for one year next before said election day.

47. Samuel Walker of Hancock county, because he had not resided in this state two years next before said election day.

48. William Robinson of Hancock county, because he had not resided in this state for two years next before said election day.

49. William Savage of Hancock county, because he was a foreigner by birth, and has not been naturalized.

50. A. M. Parks of Hancock county, because he had not resided in this county one year next before said election day.

51. Loyd Bailey of Hancock county, because he had not resided in this state two years next before said election.

52. George Thomas of Hancock county, because his vote is polled as voting for Samuel F. Marquis for member of the house of delegates, whereas in truth and in fact he voted for me at said election for the said office.

COMMONWEALTH OF VIRGINIA—

Hancock County, to wit:

I, Edward Smith, do swear that I have reason to believe that the person named above, whose name is polled as voting for Samuel F. Marquis, did vote for me; and I do swear that I have reason to believe that the persons whose names are above mentioned are not legally qualified to vote in the county of Brooke or Hancock respectively.

EDWARD SMITH.

Sworn and subscribed before me Thomas Elder, one of the justices of the peace in and for the county of Hancock, Virginia, this 6th day of January A. D. 1852.

THOMAS ELDER, J. P. (*Seal.*)*Hancock County, ss:*

Before the subscriber, a justice of the peace in and for said county, personally appeared Robert Wilson, and made oath that he served a true copy of the within list of contested votes on Dr. Samuel F. Marquis, on the 7th day of January 1852, by leaving it at his usual place of residence, neither he nor any other person being found there over sixteen years of age.

Given under my hand this 27th day of January 1852.

THOS. ELDER, J. P.

Resolved as the opinion of the committee, That the notice of Edward Smith is legal.

The deposition of Oliver Shrimplin states, that he was not twenty-one years of age on the 8th of December 1851; that he was mistaken in his age by one year.

Resolved as the opinion of the committee, That the vote of the said Oliver Shrimplin is illegal.

The deposition of Francis Kirkwood states, that he does not know what his age is; that his sister told him he was born the 1st day of May 1830; that his sister is older than himself, but he does not know how much. He does not know that there is any record of his age.

Resolved as the opinion of the committee, That the vote of the said Francis Kirkwood is illegal.

No evidence being offered to support the votes of Josiah Baty, William Kemp, Josias Zook, David Riddle, James Miller, Martin Hildreth, William Davis, John Booth, William Barret, Samuel McConnel, John Monypenny, Thomas Monypenny, Robert O'Hara and A. M. Parks:

Resolved as the opinion of the committee, That the votes of the said Josiah Baty, William Kemp, Josias Zook, David Riddle, James Miller, Martin Hildreth, William Davis, John Booth, William Barret, Samuel McConnel, John Monypenny, Thomas Monypenny, Robert O'Hara and A. M. Parks are illegal.

The deposition of William Holly states, that he is positive that Thomas Holly was born two months after September 1890.

Resolved as the opinion of the committee, That the vote of the said Thomas Holly is legal.

No evidence was offered to sustain the vote of Parker Brooks, and it was admitted by the parties that his vote was not good.

Resolved therefore as the opinion of the committee, That the vote of the said Parker Brooks is illegal.

The deposition of Otho Roberts states, that he had lived in the county of Brooke all his life, with the exception of a short time; he had lived that short time, four or five weeks, in South Wheeling in Ohio county; that he took his wife with him; took some bedding with him some time afterwards; rented a room for a month and worked there; kept house in that room with his wife, and that he used the expression, when speaking of going to Wheeling, "that he had moved," but he went down on a visit, not with the intention of staying.

The deposition of Wm. Barnes states, that during the winter preceding the election he was on board a steamboat with Otho Roberts, when he went to Wheeling; that he had his wife with him, and seemed to be moving; that he understood him to say that he was going to Ritchietown, and did not know that he would ever come back; that he did not say that he would never come back, but that he did not know that he would; that he said he had got into a job of work there, but does not remember that he said what kind of work, or how long it would take him to complete it.

Resolved as the opinion of the committee, That the vote of the said Otho Roberts is legal.

The deposition of Milton Wells states, that he had resided in Brooke county for twenty-three years, and never left the county within the last year with the intention of removing from it.

Resolved as the opinion of the committee, That the vote of the said Milton Wells is legal.

The deposition of Otho Davis states, that he went out of the county of Brooke in April 1851 to Wetzel county, Virginia, to work on the railroad, and came back on the last of June; remained until after the 4th day of July; then went back, and remained there until some time in October; that he then came back to the county of Brooke, and remained a while; then went to Marshall county, and remained there until the latter part of November 1851; that when in the county of Brooke he made his home at his brother Henry's, and has so done for five or six years.

Resolved as the opinion of the committee, That the vote of the said Otho Davis is illegal.

In regard to the vote of James Carey, the deposition of John Scott states, that he served a subpoena on James Carey; that he found said Carey sick, and that he told the deponent that he had not been in this state for two years, and that he was a citizen of the state of Ohio; that he had been in this state more than two years, but that his family remained in the state of Ohio. The deposition of John Laycon states, that he is the brother-in-law of James Carey; that previous to his re-

moveal into this state the said Carey had lived in the state of Ohio; that he had virtually moved into this state more than two years before the election, and worked here until he built a house and then brought his family in February 1850.

Resolved as the opinion of the committee, That the vote of the said James Carey is illegal.

The deposition of Moses Applegate states, that he had not been residing for two years next before the election in the state of Virginia; he did not go out of the state within the two years, with an intention of remaining out; that his mother resides in this state, and has lived in it for about thirty-six years; he always considered his mother's house his home; that while he was away he never had any other home; he expected to return to the state as soon as he accomplished the business he went away for; that he was boating on the river most of the time, working a part of the time in Tennessee, and was working four or five months at a saw mill on Wolf river; he was absent more than three years from the state, boating from Memphis and Cincinnati to New Orleans; that he calculated when he left not to be absent for more than six weeks, but got into work and did not get back in Virginia for three years; that he had no special object in going away on that trip, except as a hand on a coal boat; if it had not been for the purpose of making money he would have been at home sooner than he was, and it was by getting into one job after another that kept him so long away; if he had been making money faster than he was, he don't know that he would have remained away any longer than he did.

Resolved as the opinion of the committee, That the vote of the said Moses Applegate is legal.

The deposition of George Young states, that he came into this state some time previous to the Christmas holidays in the year 1849, but whether before or after the 8th of December he does not recollect; that he had said in conversation with Mr. White and others, that his arrival in the state was after the 8th of December '49, and that is now his impression; that his mind leads him to say it was after the 8th.

Resolved as the opinion of the committee, That the vote of the said George Young is illegal.

No evidence was offered to sustain the vote of John Buchanan, and it was conceded by the parties to be bad.

Resolved therefore as the opinion of the committee, That the vote of the said John Buchanan is illegal.

No evidence was offered to sustain the votes of James Smith and Robert Smith, and they were both conceded to be bad votes by the parties.

Resolved therefore as the opinion of the committee, That the votes of the said James Smith and Robert Smith are illegal.

The deposition of Jedediah Odell states, that he had not resided in the state next before the election; that he had moved out of the state a year ago last harvest; he moved to the state of Ohio with the view of staying there and doing better. The deposition of Edward Odell, the brother of Jedediah, is to the same purport.

Resolved as the opinion of the committee, That the vote of the said Jedediah Odell is illegal.

The depositions of John Kirk state, that he was naturalized through his father; but he admits, and the certificate of the prothonotary of the court of common pleas in Washington county proves that his father's naturalization took place on the 26th of June 1826, at which time the deponent was twenty-seven years old.

Resolved as the opinion of the committee, That the vote of the said John Kirk is illegal.

The deposition of Robert White states, that he was born in Ireland; that he was naturalized in Steubenville, Ohio, and got his papers, but had lost them.

Resolved as the opinion of the committee, That the vote of the said Robert White is illegal.

The deposition of William Gibson states, that he is a foreigner by birth, and was between 18 and 19 years of age when he came to this country; that he had taken no step towards his naturalization except the entry made at September court 1848, in the county of Brooke; that he was under the impression that he became a citizen of the United States when he took the oath before the clerk, and that the clerk told him he was entitled to his full papers in consequence of coming into the United States when under age; if it had not been for the representations of the clerk, he would have gone on to complete his naturalization. The deposition of R. Nichols, the clerk of Brooke county court, admits that William Gibson made a report of himself and filed his declaration of intention to become a citizen at the time referred to, Sept. 1848; but he did not tell him at that or any other time that he was a citizen, or any thing to that effect.

Resolved as the opinion of the committee, That the vote of the said Wm. Gibson is illegal.

The vote of George Gemir was admitted by the parties to be good.

Resolved therefore as the opinion of the committee, That the vote of George Gemir is legal.

No evidence was offered to support the vote of Michael Coyle, and it was admitted by the parties to be illegal.

Resolved therefore as the opinion of the committee, That the vote of Michael Coyle is illegal.

The deposition of Wm. Witherel states, that he was a citizen of the United States, and he produced his certificate of naturalization, which was admitted by the parties to be regular and his vote good.

Resolved as the opinion of the committee, That the vote of the said Wm. Witherel is legal.

The deposition of Andrew Burns states, that he had not been a resident of Virginia for two years next preceding the election on the 5th December last.

Resolved as the opinion of the committee, That the vote of the said Andrew Burns is illegal.

The deposition of Jackson Brandon states, that he was twenty-one years of age on the day of election, the 8th day of December last; that he was born September 9th, 1830, according to the family register.

Resolved as the opinion of the committee, That the vote of the said Jackson Brandon is legal.

The deposition of Henry McLaughlin states, that he had been a permanent resident of this state for two years next preceding the 8th of last December.

Resolved as the opinion of the committee, That the vote of the said Henry McLaughlin is legal.

The deposition of Alex. Monypenny states, that he came into this state some time in April 1849; that he left in March 1850 and went to Ohio, and returned to Virginia about the 1st of August 1850; in the summer of 1850 farmed a place there on shares; had his boarding there, and occasionally a shirt washed; that his father lives in the county of Hancock, whose dwelling had always been his residence; does not remember whether he worked on the roads in the summer of 1850 while he was in Ohio, and that he came to the county a short time before his father.

The deposition of Nathan P. Grafton, deputy sheriff of Hancock, states, that at the time of the election Alex. Monypenny was working in Brooke county, but claimed his residence in Hancock, and the commissioners of election received his vote, believing it to be good.

Resolved as the opinion of the committee, That the vote of the said Alexander Monypenny is legal.

The deposition of John Robb states, that he had resided in this state since February 6th, 1851; previous to that date he had resided in the state of Ohio.

Resolved as the opinion of the committee, That the vote of the said John Robb is illegal.

The deposition of Robert Laird states, that he had been naturalized; that he obtained his papers of naturalization, but had lost them.

Resolved as the opinion of the committee, That the vote of the said Robert Laird is illegal.

The deposition of James Longstrette states, that his father says he was born on February 1st, 1830.

Resolved as the opinion of the committee, That the vote of the said James Longstrette is legal.

The deposition of Thomas Bonsall states, that he had been a resident of Brooke and Hancock counties for about thirteen years; from the 1st of April to the 1st of Sept. 1851 he was in Monroe county, Ohio, on business, not knowing how long or how short a time he would be absent, took his family with him during this time; had been for about eighteen months before, and was still in the employ of Wm. Atkinson in selling goods; intended to stay in Ohio until he met with a chance of selling out his stock of goods; as soon as that was done he returned to Hancock county; during his stay in Ohio, considered Virginia and Hancock county as the place of his residence and permanent home, and had paid taxes regularly for the last thirteen years in Virginia.

Resolved as the opinion of the committee, That the vote of the said Thomas Bonsall is legal.

The deposition of Samuel Walker states, that he had not resided in this state two years next before the election; he was away about eight months in 1849, until about the middle of February 1850; he was married during that time, and from the 8th of November 1849 to about the middle of February 1850 kept house; remained longer than he intended because he could not get any one to move him on account of the bad condition of the roads; his mother's residence was in Virginia, and while in Ohio he regarded her residence as his home until he was married; he intended to return to Virginia at the time of his marriage; when he went to Ohio he intended to make it his residence only for that summer; removed all his clothing with him, but left his furniture at his mother's, which remained there until he returned to Virginia and went to housekeeping.

Resolved as the opinion of the committee, That the vote of the said Samuel Walker is legal.

In support of the vote of William Robinson three depositions are offered—that of W. H. Grafton, Ezra Snowden and Asa Owings. Grafton only knows that he voted for Sam'l F. Marquis. Snowden states, that for the two years next preceding the 8th of December last, he lived with his son Martin Robinson, until some time about last June, when he went away; as he was coming home some short time before the election, he heard him say he had been in some three or four counties in Ohio during his absence; asked him if he intended to spend the winter here; he said he did not; does not know where his residence is; has known him to be absent frequently during the last ten years. Asa Owings states, that he is acquainted with William Robinson; knows nothing about his residence; thinks that within the last two years preceding the election he hauled his trunk to the Ohio river, when Robinson told him he was going to Pittsburg, and afterwards intended to go to his daughter's at Graham's Station; does not know whether he has since been back, or whether he said anything about changing his residence.

Resolved as the opinion of the committee, That the vote of the said William Robinson is illegal.

The deposition of William Savage states, that he was born in Ireland; was naturalized in Washington, Penn.; had not his papers here on the day of election; the last time he saw them was in March or April last in Birmingham, Alleghany county, Pa.

Resolved as the opinion of the committee, That the vote of the said William Savage is illegal.

The deposition of Loyd Bailey states, that he had resided in this state two years next before the 8th day of December 1851; has made this his permanent home, having his family with him during that time; had no residence in any other place.

Resolved as the opinion of the committee, That the vote of the said Loyd Bailey is legal.

No evidence was presented in support of the vote of John Campbell, but the parties admitted that his vote was good.

Resolved therefore as the opinion of the committee, That the vote of the said John Campbell is legal.

The deposition of John G. Agnew states, that he was twenty-one years of age on the 8th day of December last; that he was out of the state from the last of September '49 until the 1st of July '51, engaged in teaching school in Ohio; that he had been a resident of Brooke county since the year 1831, and never left this state with the intention of remaining out of it.

Resolved as the opinion of the committee, That the vote of the said John G. Agnew is legal.

The name of John G. Agnew is twice repeated in the notice of Edward Smith, challenging his vote on several different grounds, but they evidently refer to the above person. The committee therefore passed these without further notice. The polls shew that only one John G. Agnew voted.

The name of John Bowman appears three times in the notice, and there are two John Bowmans on the polls. The challenge, however, is made to only one of them, upon three different and distinct grounds, to wit: John Bowman (of Wm.) His deposition states, that he was 21 years of age on the 8th day of December last, and had resided in Brooke county for one year before the election, except two months, when he went to Wheeling to get work and see if he could not do better there than in Brooke; that his father lived in Wheeling, and he had his washing done at his house; when he went to Wheeling he intended to return if he could not better his condition; he did return, and worked with Mr. Agnew until the fall, when his father removed from Wheeling to Presbury's mill; he then went and lived with his father at the mill on Short creek; his father's house is about two hundred yards above the mill on the south side of the creek.

The deposition of Lewis Hale, who had acted as deputy sheriff of Brooke county, and that of James Barns, deputy sheriff of Brooke county, on the day of election, both state confidently that the house in which the father of John Bowman lived is in Ohio county.

Resolved as the opinion of the committee, That the vote of the said John Bowman is illegal.

The deposition of William Rush Adams states, that he did not vote at the election of the 8th December 1851, and his name does not appear on the polls.

The vote of Alexander Maxwell is twice challenged by Edward Smith, but the name appears but once on the polls. In regard to this, the deposition of John Grafton, deputy sheriff of Hancock county, states, that there is no such name as that of Alexander Maxwell on the tax book of that county; that he understands there was formerly such a man in the county, but that he had left; that he saw Maxwell in Brooke county on the 1st or 2d day of April last, and that Maxwell then told him that he was shortly coming back to Hancock; but he has no recollection of having seen him in Hancock since he saw him in Brooke.

Resolved as the opinion of the committee, That the vote of the said Alexander Maxwell is illegal.

The name of John Monypenny appears twice in the notice of Edward Smith, but there is but one on the polls, and the notice doubt-

less refers to the same person. The same thing occurs in regard to the names of William Davis and John Booth.

Finally, your committee report, that it appears from the poll books that Samuel F. Marquis received in the county of Brooke 333 votes, and in the county of Hancock 221, making an aggregate of 554 votes; and Edward Smith received in the county of Brooke 339 votes, and in Hancock 228, making in both counties 567. By restoring to the poll of Samuel F. Marquis the vote of Joseph Layear, which was erased by the commissioners, and transferring from the poll of Edward Smith the name of James Wycoff to that of Samuel F. Marquis, which was erroneously entered by the clerks, the polls as thus corrected would stand :

| | | | | |
|------------------------|---|---|---|-----|
| For Samuel F. Marquis, | - | - | - | 556 |
| For Edward Smith, | - | - | - | 566 |

Leaving a majority for Smith of 10 votes.

But the committee have rejected from the poll of Samuel F. Marquis 33 votes as illegal, and 18 votes from the poll of Edward Smith as illegal. The polls when thus corrected will stand :

| | | | | |
|------------------------|---|---|---|-----|
| For Edward Smith, | - | - | - | 549 |
| For Samuel F. Marquis, | - | - | - | 523 |

Majority for Smith, 26 votes.

Resolved therefore as the opinion of this committee, That the return of Edward Smith as a delegate to represent the election district composed of the counties of Brooke and Hancock is legal, and the returned delegate is entitled to a seat in the house of delegates of the present general assembly of Virginia.

[DOC. No. L.]

OPINION

OF THE

SUPREME COURT OF THE U. STATES

IN THE

WHEELING BRIDGE CASE.

1852.

SUPREME COURT OF THE U. S.

No. 2—December Term 1851.

| | |
|--|---------------------|
| THE STATE OF PENNSYLVANIA, <i>Comp't.</i> | } <i>In Equity.</i> |
| <i>vs.</i> | |
| THE WHEELING AND BELMONT BRIDGE CO., WILLIAM OTTERSAN AND GEORGE CROFT. | |

Mr. Justice McLEAN delivered the opinion of the court :

This bill was filed in the clerk's office of this court in July 1849. It charged that the defendants, under color of an act of the legislature of Virginia, but in direct violation of its terms, were engaged in the construction of a bridge across the Ohio river at Wheeling, which would obstruct its navigation to and from the ports of Pennsylvania, by steamboats and other craft which navigate the same. That the state of Pennsylvania own certain valuable public works, canals and railways, constructed at great expense as channels of commerce, for the transportation of passengers and goods, from which a large revenue, as tolls, was received by the state. That these works terminate on the Ohio river, and were constructed with direct reference to its free navigation; the goods and passengers transported on these lines were conveyed in steamboats on the Ohio river; and the Wheeling bridge would so obstruct the navigation of that river, as to cut off and divert trade and business from the public works of Pennsylvania, impair and diminish the tolls and revenue of the state, and render its improvements useless. The bill prayed an injunction against the erection of the bridge as a public nuisance, and for general relief.

In August 1849 a supplemental bill was filed, stating, that after notice the defendants continued to prosecute their work, and were engaged in stretching iron cables across the channel of the river, which would obstruct its navigation; and it prayed that these cables might be abated.

At the December term of this court 1849, another supplemental bill was filed, representing that defendants had completed the erection of the bridge, and that it had obstructed the passage of steamboats carrying freight and passengers to and from the ports of Pennsylvania; that it also hindered the passage of steamships and sea going vessels, which were accustomed to be constructed at the ports of Pennsylvania, and would injure and destroy the trade and business of ship and boat building, which was carried on by the citizens of Pittsburg; and it prayed an abatement of the bridge as a public nuisance, and for general relief.

In their answers the defendants allege the exclusive sovereignty of Virginia over the Ohio river, and set forth the act authorizing the erection of the bridge. And they object to the application for an injunction and the relief prayed for, that the persons injured might have remedy in the courts of Virginia; that the state of Pennsylvania had no corporate capacity to institute this suit in the supreme court, to vindicate the rights of her citizens; that the state is only a nominal party, whose name was without proper authority used by individuals; that the bridge is a connecting link of a great public highway, as important as the navigation of the Ohio river; that Pennsylvania had set the example of authorizing bridges across the Ohio; that certain engineers of the United States had recommended a wire suspension bridge at Wheeling, and gave as their opinion, that "by an elevation of 90 feet every imaginable danger of obstructing the navigation would be avoided;" that certain reports of committees in congress recognized the necessity of a bridge at Wheeling, and recommended an appropriation for that purpose; that the headway for steamers left by the bridge is amply sufficient, forty-seven feet above the water, for all useful purposes; and if sufficient draft cannot be had at that height, blowers might be added; that chimneys might have hinges on them, so as to be lowered without much inconvenience; that the bridge will not be an appreciable inconvenience to the average class of boats; that the bridge will not diminish or destroy trade between Pittsburg and other ports, or do irreparable injury to the citizens of Pennsylvania.

The answer admits that the state of Pennsylvania has expended large sums of money in the construction of public improvements, terminating at Pittsburg and Beaver; that a great amount of freight and a large number of passengers do pass over said works, and that a large amount of toll to the state is derived therefrom; that the navigation of the Ohio river is important to the works above referred to, and that the value thereof would be affected injuriously, if from any cause the passage of steamboats from the city of Pittsburg downwards were obstructed or impeded. But they deny that their bridge or the cables will have any such effect, or that it can in truth be called a nuisance.

To the actual obstruction occasioned by the bridge, as charged in the second supplemental bill, they set up an amendatory and explanatory act of the Virginia legislature, passed 11th of January 1850, declaring the height of 90 feet at the eastern abutment, 93½ feet at the highest point, and 62 feet at the western abutment, above the low water level of the Ohio river, to be of lawful height, and in conformity with the intent and meaning of the 19th section of the charter.

At December term 1849, the question of jurisdiction was argued on both sides, and it was sustained by the entry of an order of reference to the Hon. R. H. Walworth as special commissioner to take testimony and report:

1. Whether the bridge is or is not an obstruction of the free navigation of the Ohio river, by vessels propelled by steam or sails, engaged or which may be engaged in the commerce or navigation of said river.

2. If an obstruction be made to appear, what change or alteration in the construction and existing condition of said bridge, if any, can be made consistent with the continuance of the same across said river, that will remove the obstruction to the free navigation.

At the ensuing term, near its close, the commissioner made his report, together with the report of the engineer employed, and the evidence taken before him, deciding—

1. That the bridge is not an obstruction to the free navigation of the Ohio, by any vessels propelled by sails.

2. That the bridge is an obstruction of the free navigation of the Ohio, by vessels propelled by steam.

3. That the change or alteration which can and should be made in the construction and existing condition of the bridge is, to raise the cables and flooring in such manner as to give a level headway, at least three hundred feet wide, over a convenient part of the channel, of not less than one hundred and twenty feet above the level of zero on the Wheeling water gauge.

To this report several exceptions were taken by the counsel on both sides.

As this is the exercise of original jurisdiction by this court, on the ground that the state of Pennsylvania is a party, it is important to ascertain whether such a case is made out as to entitle the state to assume this attitude. In the second section of the third article of the constitution, it is declared that the supreme court shall have original jurisdiction in a case where a state shall be a party.

In this case the state of Pennsylvania is not a party in virtue of its sovereignty. It does not come here to protect the rights of its citizens. The sovereign powers of a state are adequate to the protection of its own citizens, and no other jurisdiction can be exercised over them, or in their behalf except in a few specified cases. Nor can the state prosecute this suit on the ground of any remote or contingent interest in itself. It assumes and claims, not an abstract right, but a direct interest in the controversy, and that the power of this court can redress its wrongs and save it from irreparable injury. If such a case be made out, the jurisdiction may be sustained.

When a state enters into a copartnership, or becomes a stockholder in a bank or other corporation, its sovereignty is not involved in the business, but it stands and is treated as other stockholders or partners. And so in the present case, the rights asserted and relief prayed are considered as in no respect different from those of an individual. From the dignity of the state, the constitution gives to it the right to bring an original suit in this court. And this is the only privilege, if the right be established, which the state of Pennsylvania can claim in the present case.

It is objected in the first place, that there is no evidence that the state of Pennsylvania has consented to the prosecution of this suit in its own name.

This would seem to be answered by the fact that the proceedings were instituted by the attorney general of the state. He is its legal representative, and the court cannot presume, without proof, against

his authority. In January 1850, the following declaration passed unanimously by both branches of the Pennsylvania legislature: "Whereas the navigation of the river Ohio has been and is now obstructed by bridges erected across its channel between Zane's island and the main Virginia and Ohio shores, so that steamboats and other water crafts hitherto accustomed to navigate said river are hindered in their passage to and from the port of Pittsburg, and other ports in the state of Pennsylvania, and the trade and commerce and business of this commonwealth interrupted, the revenue of her public works diminished and impaired, and steamboats owned and navigated by citizens of this state, bound to and from her ports, are subjected to labor, expense and delay, with hazard to life and property, by reason whereof the said bridges are a common and public nuisance, injurious to the state of Pennsylvania and her citizens: therefore, be it resolved, &c.

"2. That the proceedings in behalf of said state, instituted by her attorney general in the supreme court of the United States, and now pending therein against the Wheeling and Belmont bridge company, to abate the nuisance occasioned by their bridge lately erected across the Ohio, be prosecuted to final judgment, decree and execution for abatement of said nuisance."

On a question of disputed boundary between two states, although the enquiry of the court is limited to the establishment of a common line, yet the exercise of sovereign authority over more or less territory may depend upon the decision. This gives great dignity and importance to such a controversy, and renders necessary a broader view than on a question as to the mere right of property. But in the present case the state of Pennsylvania claims nothing connected with the exercise of its sovereignty. It asks from the court a protection of its property on the same ground and to the same extent as a corporation or individual may ask it. And it becomes an important question whether such facts are shewn, as to require the extraordinary interposition of this court.

Relief in this form is given, as it cannot be given adequately in any other. The injury complained of, in the language of the books, must be irreparable by a suit at law for damages. It is matter of history, as well as in proof, that Pennsylvania, for many years past, has been engaged in making extensive improvements by canals, railroads and turnpikes, many of them extending from Eastern Pennsylvania to Pittsburg, by which the transportation of goods and passengers is greatly facilitated, and that a large portion of the goods and passengers thus transported are conveyed to and from Pittsburg on the Ohio river.

On the 18th of December 1789 an act was passed by Virginia, consenting to the erection of the state of Kentucky out of its territory, on certain conditions, among which are the following: "That the use and navigation of the river Ohio, so far as the territory of the proposed state or the territory that shall remain within the limits of this commonwealth lies thereon, shall be free and common to the citizens of the United States." Va. Revised Code 1819, p. 19. To

this act the assent of congress was given. 3 United States Statutes at Large 64.

That the Ohio river is navigable is a historical fact, which all courts may recognize. For many years the commerce upon it has been regulated by congress, under the commercial power, by establishing ports, requiring vessels which navigate it to take out licenses and to observe certain rules for the safety of their passengers and cargoes. Appropriations by congress have been frequently made to remove obstructions to navigation from its channel.

It appears that Pennsylvania has constructed a combined line of canal and railroad from Pittsburg and Alleghany cities to the city of Philadelphia, a distance of about 400 miles, at an expense of about sixteen millions of dollars, all of which are owned by the state. There is also a railroad from Pittsburg to Harrisburg, which will soon be completed at an expense of some eight or ten millions of dollars. There is also a slackwater navigation from Pittsburg to Brownsville, and up the Yanghegany to West Newton; and there are other lines of communication between Pittsburg and the East, which are owned in whole or in part by the state, and from which it derives revenue.

And the witnesses generally say that any obstruction, on the Ohio river, to the free passage of steamboats, must affect injuriously the revenue from the above public works, as it would divert the transportation of goods and passengers from the lines to and from Pittsburg to the northern lines through New York. Whilst the witnesses differ as to the amount of such an injury, they generally agree in saying that any serious obstruction on the Ohio would diminish the trade and lessen the revenue of the state. The value of the goods to and from Pittsburg transported on the above lines of communication is estimated at from forty to fifty millions annually. And it is shewn that the commerce on the Ohio to and from Pittsburg amounts to about the same sum.

If the bridge be such an obstruction to the navigation of the Ohio as to change to any considerable extent the line of transportation through Pennsylvania to the northern route through New York, or to a more southern route, an injury is done to the state of Pennsylvania as the principal proprietor of the lines of communication by canal and railroad from Philadelphia to Pittsburg. And this injury is of a character for which an action at law could afford no adequate redress. It is of daily occurrence and would require numerous if not daily prosecutions for the wrong done; and from the nature of that wrong the compensation could not be measured or ascertained with any degree of precision. The effect would be, if not to reduce the tolls on these lines of transportation, to prevent their increase with the increasing business of the country.

If the obstruction complained of be an injury, it would be difficult to state a stronger case for the extraordinary interposition of a court of chancery. In no case could a remedy be more hopeless, by an action at common law. The structure complained of is permanent, and so are the public works sought to be protected. The injury, if there be one, is as permanent as the work from which it proceeds, and as are

the works affected by it. And whatever injury there may now be, will become greater in proportion to the increase of population and the commercial developments of the country. And in a country like this, where there would seem to be no limit to its progress, the injury complained of would be far greater in its effects than under less prosperous circumstances.

As we are now considering the obstruction of the bridge, not as to the relief prayed for, but as to the form of the remedy adopted by the complainant, we are brought to the conclusion, as before announced by this court to the parties, that there is made out a *prima facie* case for the exercise of jurisdiction. The witnesses who testify to the obstruction are numerous, and the weight of their testimony is not impaired by the impeachment of their credit or a denial of the facts stated by them.

But it is objected, if not as a matter going to the jurisdiction, as fatal to any further action in the case, that there are no statutory provisions to guide the court, either by the state of Virginia, or by congress. It is said that there is no common law of the Union on which the procedure can be founded; that the common law of Virginia is subject to its legislative action, and that the bridge having been constructed under its authority, it can in no sense be considered a nuisance; that whatever shall be done within the limits of a state, is subject to its laws, written or unwritten, unless it be a violation of the constitution or of some act of congress.

It is admitted that the federal courts have no jurisdiction of common law offences, and that there is no abstract pervading principle of the common law of the Union under which we can take jurisdiction. And it is admitted that the case under consideration is subject to the same rules of action as if the suit had been commenced in the circuit court for the district of Virginia.

In the second section of the third article of the constitution it is declared: "The judicial power shall extend to all cases, in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made under their authority."

Chancery jurisdiction is conferred on the courts of the United States, with the limitation, "that suits in equity shall not be sustained in either of the courts of the United States, in any case where plain, adequate and complete remedy may be had at law." The rules of the high court of chancery of England have been adopted by the courts of the United States. And there is no other limitation to the exercise of a chancery jurisdiction by these courts, except the value of the matter in controversy, the residence or character of the parties, or a claim which arises under a law of the United States, and which has been decided against in a state court.

In exercising this jurisdiction, the courts of the Union are not limited by the chancery system adopted by any state, and they exercise their functions in a state where no court of chancery has been established. The usages of the high court of chancery in England, whenever the jurisdiction is exercised, govern the proceedings. This may be said to be the common law of chancery, and since the organization of the government it has been observed.

In *Robinson vs. Campbell*, 3 Wheat. 222, it is said, "the court therefore think, that to effectuate the purposes of the legislature, the remedies in the courts of the United States are to be, at common law or in equity, not according to the practice of state courts, but according to the principles of common law and equity, as distinguished and defined in that country from which we derive our knowledge of those principles."

This principle is not controverted by what is laid down in the case of *Wheaton & Donaldson vs. Peters*, 8 Peters 658. In that case the court say, "it is clear, there can be no common law of the United States. The federal government is composed of twenty-four sovereign and independent states, each of which may have its local usages, customs and common law. There is no principle which pervades the Union and has the authority of law, that is not embodied in the constitution or laws of the Union. The common law could be made a part of our federal system only by legislative adoption." When therefore, a common law right is asserted, we must look to the state in which the controversy originated. The enquiry in that case was whether a copy right existed by common law in the state of Pennsylvania. But in the case above cited from 3 Wheaton, the court spoke of the remedy. By the act of congress of 1828, proceedings at law, in the courts of the United States, are required to conform to the modes of proceeding in the state courts; but there is no such provision in regard to courts of chancery.

Under this system where relief can be given by the English chancery, similar relief may be given by the courts of the Union.

An indictment at common law could not be sustained in the federal courts by the United States against the bridge as a nuisance, as no such procedure has been authorized by congress. But a proceeding on the ground of a private and an irreparable injury may be sustained against it by an individual or a corporation. Such a proceeding is common to the federal courts and also to the courts of the state. The injury makes the obstruction a private nuisance to the injured party, and the doctrine of nuisance applies to the case where the jurisdiction is made out, the same as in a public prosecution. If the obstruction be unlawful and the injury irreparable by a suit at common law, the injured party may claim the extraordinary protection of a court of chancery.

Such a proceeding is as common and as free from difficulty as an ordinary injunction bill against a proceeding at law, or to stay waste or trespass. The powers of a court of chancery are as well adapted and as effectual for relief in the case of a private nuisance as in either of the cases named. And in regard to the exercise of these powers, it is of no importance whether the eastern channel over which the bridge is thrown is wholly within the limits of the state of Virginia. The Ohio being a navigable stream, subject to the commercial power of congress, and over which that power has been exerted, if the river be within the state of Virginia, the commerce upon it which extends to other states is not within its jurisdiction; consequently, if the act of Vir-

ginia authorized the structure of the bridge so as to obstruct navigation, it could afford no justification to the bridge company.

The act of Virginia under which the bridge was built, with scrupulous care guarded the rights of navigation. In the 19th section it is declared, "that if the said bridge shall be so constructed as to injure the navigation of the said river, the said bridge shall be treated as a public nuisance, and shall be liable to abatement upon the same principles and in the same manner that other public nuisances are." And in the act of the 19th of March 1847, to revive the first act, it is declared in the 14th section, "that if the bridge shall be so erected as to obstruct the navigation of the Ohio river in the usual manner, by such steamboats and other crafts as are now commonly accustomed to navigate the same, when the river shall be as high as the highest floods hereinbefore known, then, unless upon such obstruction being found to exist, such obstruction shall be immediately removed or remedied, the said last mentioned bridge may be treated as a public nuisance, and abated accordingly."

This is a full recognition of the public right on this great highway, and the grant to the bridge company was made subject to that right.

It is objected that there is no act of congress prohibiting obstructions on the Ohio river, and that until there shall be such a regulation, a state in the construction of bridges has a right to exercise its own discretion on the subject.

Congress have not declared in terms that a state, by the construction of bridges or otherwise, shall not obstruct the navigation of the Ohio, but they have regulated navigation upon it, as before remarked, by licensing vessels, establishing ports of entry, imposing duties upon masters and other officers of boats, and inflicting severe penalties for neglect of those duties, by which damage to life or property has resulted. And they have expressly sanctioned the compact made by Virginia with Kentucky at the time of its admission into the Union, "that the use and navigation of the river Ohio, so far as the territory of the proposed state, or the territory that shall remain within the limits of this commonwealth lies thereon, shall be free and common to the citizens of the United States." Now, an obstructed navigation cannot be said to be free. It was, no doubt, in view of this compact, that in the charter for the bridge it was required to be so elevated as not, at the greatest height of the water, to obstruct navigation. Any individual may abate a public nuisance. 5 Bac. Ab. 797; 2 Roll. Ab. 144, 145; 9 Co. 54; Hawk. p. c. 75, sec. 12.

This compact, by the sanction of congress, has become a law of the Union. What further legislation can be desired for judicial action? In the case of *Green et al. vs. Biddle*, 8 Wheat. 1, this court held that a law of the state of Kentucky, which was in violation of this compact between Virginia and Kentucky, was void; and they say this court has authority to declare a state law unconstitutional upon the ground of its impairing the obligation of a compact between different states of the Union.

The case of *Wilson vs. the Blackbird Creek Marsh Co.*, 2 Peters 250, is different in principle from the case before us. A dam was

built over a creek to drain a marsh, required by the unhealthiness it produced. It was a small creek, made navigable by the flowing of the tide. The chief justice said it was a matter of doubt whether the small creeks, which the tide makes navigable a short distance, are within the general commercial regulation, and that in such case of doubt, it would be better for the court to follow the lead of congress. Congress have led in regulating commerce on the Ohio, which brings the case within the rule above laid down. The facts of the two cases, therefore, instead of being alike, are altogether different.

No state law can hinder or obstruct the free use of a license granted under an act of congress. Nor can any state violate the compact, sanctioned, as it has been, by obstructing the navigation of the river. More than this is not necessary to give a civil remedy for an injury done by an obstruction. Congress might punish such an act criminally; but until they shall so provide, an indictment will not lie in the courts of the United States for an obstruction which is a public nuisance. But a public nuisance is also a private nuisance, where a special and an irremediable mischief is done to an individual.

In the case of the city of Georgetown *vs.* the Alexandria Co., 12 Peters 98, this court say, "the court of equity, also, pursuing the analogy of the law, that a party may maintain a private action for special damages, even in case of a public nuisance, will now take jurisdiction in case of a public nuisance, at the instance of a private person, where he is in imminent danger of suffering a special injury, for which, under the circumstances of the case, the law would not afford an adequate remedy. Where no special damage is alleged, an individual could not prosecute in his own name for a public nuisance. This doctrine is laid down in *Conning et al. vs. Lowerre*, 6 John. Ch. 439. In that case the injunction was granted, and the chancellor said "that here was a special grievance to the plaintiffs, affecting the enjoyment of their property and the value of it. The obstruction was not only a common or public nuisance, but worked a special injury to the plaintiffs."

Chancellor Kent, in the 3 vol. of his Commentaries 411, says, "the common law, while it acknowledged and protected the right of the owners of the adjacent lands to the soil and water of the river, rendered that right subordinate to the public convenience, and all erections and impediments made by the owners, to the obstruction of the free use of the river as a highway for boats and rafts, are deemed nuisances."

In *Sampson vs. Smith*, 8 Simons 272, it was held that injury to the plaintiff's trade was sufficient to give jurisdiction against a public nuisance, and that it was not necessary to use, in such a prosecution, the name of the attorney general. And this was on a bill for the discontinuance of works already erected.

It is said, "the question of nuisance or not must, in cases of doubt, be tried by a jury." 2 Story's Eq. p. 202. In this respect the question is similar to an application for the protection of a patent. Where the right has been long enjoyed, or is clear of doubt, chancery will interfere without a trial at law. Mr. Justice Story says, *Ib.* 203,

a court of equity will not only interfere upon the information of the attorney general, but also upon the application of the private parties directly affected by the nuisance; whereas, at law, in many cases the remedy is or may be solely through the instrumentality of the attorney general.

In the same vol., 204, it is said, "in regard to private nuisances the interference of courts of equity, by way of injunction, is undoubtedly founded upon the ground of restraining irreparable mischief, or of suppressing oppressive and interminable litigation, or of preventing multiplicity of suits. *Mit. Eq. Pl. by Jeremy*, 144, 145; *Eden on Injunction*, ch. 11, 231, 238.

"There must be such an injury, as from its nature is not susceptible of being adequately compensated by damages at law, or such as, from its continuance or permanent mischief, must occasion a constantly recurring grievance, which cannot otherwise be prevented than by an injunction." Formerly, indeed, courts of equity were extremely reluctant to interfere at all, even in regard to repeated trespasses. But now there is not the slightest hesitation, if the acts done or threatened to be done to the property would be ruinous or irreparable. 2 Story's *Eq.* 207.

In *S. C. 3 Mylne vs. Keen* 159, Lord Brougham says: "If the thing sought to be prohibited is in itself a nuisance, the court will interfere to stay irreparable mischief without waiting for the result of a trial; and will, according to the circumstances, direct an issue or allow an action," &c. Lord Eldon in the case of *Attorney General vs. Cleaver*, appeared to think that there was no instance of an injunction to restrain a nuisance without trial. But in this he was clearly wrong.

The fact that the bridge constitutes a nuisance is ascertained by measurement. The height of the bridge, of the water, and of the chimneys of steamboats, are the principal facts to be ascertained. If the obstruction exists, it is a nuisance. To ascertain this a jury is not necessary. It is shewn in the report by a mathematical demonstration. And the other matters connected with the case, as to the benefit of high chimneys, lowering of them in passing under the bridge, and shortening chimneys, are matters of science and experience, better ascertained by a report than by a verdict. And the same may be said of the statistics which are in the case.

The object of the suit was not the recovery of damages, but to enjoin the defendants from building the bridge which would injure the plaintiff. If the bridge be a material obstruction to the navigation of the Ohio, it is not denied that the plaintiff would be injured. The ground of defence taken and maintained is, that the bridge is not a material obstruction to commerce on the river. On this point there is no doubt. A jury in such a case could give no aid to the court, nor security to the parties. Having had notice of an application for an injunction, before the defendants had thrown any obstruction over the river, they cannot claim that their position is strengthened by the completion of the bridge.

But it is said the bridge constitutes no serious obstruction to the navigation of the Ohio; that only seven steamboats, of two hundred

and thirty which ply upon the river as high as Pittsburg, are obstructed, and that arises from the height of their chimneys, which might be lowered at a small expense in passing under the bridge; that by the introduction of blowers the chimneys might be shortened without lessening the speed of the boats; that the goods and passengers which are conveyed on the public lines of communication between Pittsburg and Philadelphia, could be as well conveyed on boats of lower chimneys, and consequently the state, as proprietor of those lines, if at all injured, is injured so inconsiderably as not to lay the foundation of this procedure; that none of the packets or the other boats on the river are owned by the state of Pennsylvania.

That the bridge constitutes an obstruction, is shewn by the report of the commissioner, the answer of defendants, the proof in the case, and by the admission in the argument of the counsel for the defendants. The report of the commissioner is considered, as to the fact of the obstruction and the extent of it, of the same force as a verdict of a jury. The report having been the result of a most arduous and scientific investigation of the facts, is entitled to the full weight of a verdict. 2 Railway Cases 330. The fact of obstruction was a plain and practical question, but it was connected with other matters involving questions of science which were to be settled on the opinion of experts; and a report being fairly made, the court will, generally, assume it as a basis of action, unless it shall be shewn to have been made under improper influences, or through a mistake of facts. 1 Railway Cases 576. Shelford on Railways 430.

In his report the commissioner says, "the boats running in that line and passing the site of the present suspension bridge in 1849, previous to the time when the first cables were thrown across the eastern branch of the Ohio at Wheeling, were the Clipper No. 2; the Hibernia No. 2; the Brilliant; the Messenger No. 2; the Isaac Newton; the New England No. 2; and the Monongahela."

The Clipper No. 2 came out in March 1846, was 215 feet long, and had chimneys 64 feet high. The Hibernia No. 2 came out in 1847. She was 225 feet long, and her chimneys were 72½ feet high from the water. The Brilliant came out in February 1848, was 227 feet long, and had chimneys 71 feet high. The Messenger No. 2 came out in the winter or spring of 1849, was 242 feet long, and had chimneys 76½ feet high. The Isaac Newton was 182 feet long, and had chimneys only 63½ feet high. The New England No. 2 was 222 feet long, and her chimneys were 65½ feet high. "The dimensions and height of the chimneys of the Monongahela," the commissioner says, "I have not been able to ascertain from the evidence.

"There were also two other regular packets running past Wheeling in the spring and summer of 1849, previous to the erection of the bridge—the two Telegraphs, running as regular packets between Pittsburg and Louisville. The chimneys of the Telegraph No. 1 were 80 feet high, and those of the other Telegraph were 79 feet 9 inches high.

"Not more than two or three of these nine packets had their chimneys prepared for lowering, at the close of the navigation in the sum-

mer of 1849. And of the five largest, only one of them could have gotten under the bridge on a twenty feet stage of water with the chimneys standing; and that one, the Brilliant, could not have gotten under when the water was more than twenty-one feet upon the Wheeling bar. And neither of the two Telegraphs could have gotten under the bridge at a 13 feet stage of the water, with their chimneys standing."

"If the bridge (says the commissioner) had been erected in 1847, therefore, and those nine packets had then been running, two of them could not have gotten under the bridge for nearly three months, when the water was 13 feet and over. Two of them would have been unable to get under for 33 days, when the water on the bar was 20 feet and over; another, the Brilliant, from 19 to 25 days, when the water was 29 feet and over, and the other four as much as 10 days when the water was 29 feet and over, unless they had lowered or cut off their chimneys.

"The passage of three of the Pittsburg and Cincinnati packets, which were running on the Ohio before the erection of the bridge, had been actually stopped, or obstructed by such bridge previous to the order of reference in this cause—the Messenger No. 2, the Hibernia No. 2, and the Brilliant."

"The first of these boats arrived at the bridge on the 10th of November 1849, on her downward passage, upon a 20 feet stage of water, and had to cut her chimneys before she could pass the bridge. She was detained there about 7 hours, but I believe she did not lose her trip or passengers. She was subsequently detained at the bridge 7 hours, and was obliged to cut off her chimneys a second time.

"On the 11th of November 1849, the Hibernia No. 2 reached the bridge on her upward trip. They attempted to get her under the bridge by sinking her deeper in the water with coal ballast. But in attempting to pass the bridge the top of one of her chimneys caught upon a projection from the under side of one of the flooring timbers, and injured the chimney so that it had to be taken down and repaired. The boat was detained thirty-two hours at Wheeling on that occasion; and was obliged to hire another boat to take her passengers on to Pittsburg, except such of them as preferred to cross the mountains by the way of Cumberland.

"On the 18th of the same month, the passage of the Hibernia No. 2 was again obstructed by the bridge, on her downward passage, by which she lost an entire trip. Finding she could not get under the bridge in time to save her trip, she transferred her freight and passengers to another boat and returned to Pittsburg. And the passage of the same boat was again obstructed by the bridge in coming up the river last spring. On that occasion she arrived at Wheeling between 9 and 10 o'clock in the morning, and finding that she could not get under the bridge she gave up the trip, and landed her passengers, who proceeded east by way of Cumberland.

"The Brilliant was obstructed by the bridge on her passage up on the 18th December 1849, and had to wait until her chimneys could be cut off to enable her to pass under the bridge. The chimneys

were cut off at great risk to the lives of those who were engaged in the operation; and the boat passed under the bridge and proceeded to Pittsburg, after a detention of four or five hours.

"In the winter and spring subsequent to the erection of the bridge, the Buckeye State, the Keystone State, and the Cincinnati, three new packets, were brought into the Pittsburg and Cincinnati lines in the places of the New England No. 2, the Isaac Newton and the Monongahela. They were all of much larger dimensions, and had much taller chimneys than the old boats for which they were substituted; and their chimneys were hinged and rigged for lowering. The chimneys of the Buckeye State were 74 feet 8 inches high, those of the Keystone 77 feet 5 inches and those of the Cincinnati 84 feet 7 inches.

"Two accidents have occurred to those new boats in passing under the bridge since they came out. The Keystone State, on her downward passage the 4th of March last, in attempting to pass under the apex of the bridge upon a 13½ feet stage of water, could not get near enough to the Wheeling shore to pass under the apex of the bridge. And in attempting to drop down about 20 feet further west, one of the chimneys struck the bridge and tore away all the guys or fastenings of both chimneys, except one guy rod, broke the westerly chimney in two, broke off the hinge from the other chimney, and tore up some portions of the hurricane deck to which the guy rods were fastened. And if the remaining guy rod had given way, both chimneys, weighing together about four tons, would have fallen down."

A somewhat similar accident (it seems from the report) occurred to the Cincinnati in October 1850.

On the practicability and safety of lowering the chimneys, a great number of witnesses were examined. And the commissioner says, although there was great conflict in the testimony as respects the danger to the limbs and lives of the passengers in the operation, yet, he says, when the facts sworn to are examined, there is a decided preponderance against the safety of lowering the chimneys. And he remarks, "the very elevated, as well as large chimneys used upon the Cincinnati and Pittsburg packets and other boats of that class, cannot certainly, with any facility or safety, be lowered by hinges at the tops. They are therefore obliged to lower them at the hurricane deck, by the means of a derrick. The weight of the parts of the two chimneys which must be let down upon those large boats, is estimated by the witnesses to be from three to four tons. This enormous weight hanging over the cabin, or rather over the berths of passengers, in process of lowering, would probably prove disastrous in the extreme, if by any accident the chimneys should come down by the run; which is very likely to occur, from the carelessness or stupidity of the green hands that the owners and officers of western boats are so often obliged to employ."

And if to the difficulties stated in the report there be added the darkness of night, a snow storm or the falling rain congealing on the roof of the boat and covering it with ice, and a high wind, which generally is experienced in a storm, it would be impracticable, while the boat was proceeding at the rate of ten or twelve miles an hour, to

lower the chimneys; and this must be done, or the boat must land. During this operation the pilot, on whom the safety of the boat and the lives of the passengers in a great degree depend, must, from his position, be in imminent danger.

The expense of lowering the chimneys, if practicable and safe, would constitute no inconsiderable item. The time lost in raising and lowering chimneys is variously estimated by the witnesses at from one to three hours. Take the minimum of such estimate, and according to the calculation of Col. Long, the expense of the boat amounts to \$8 33 per hour. Each packet will have to lower its chimneys every time it passes under the bridge, which will be, ordinarily, sixty times a season, amounting to the sum of \$499 80, a charge on each packet. To this may be added the apparatus for lowering the chimneys, estimated at \$400, which, with its repairs, may be estimated at one hundred dollars per annum during the life of the boat, which averages five years. And it is in proof that stationary chimneys will last five years, but if subject to be lowered, they will only last half that time. The cost of chimneys for a boat is stated at one thousand dollars, which may be considered as an increased expense to each boat of two hundred dollars per annum. These sums added together make a total of \$799 80, which sum, multiplied by seven, the number of the packets, makes the sum of \$5598 60, which the owners of these packets must necessarily pay as an annual tax, by reason of the obstruction of the bridge, if they run their boats and lower their chimneys.

But it is contended, that the difficulty of passing under the bridge may be obviated by shortening the height of the chimneys, without lessening materially the speed of the boat.

That high chimneys increase the speed of the boat, is proved in the case practically and scientifically.

Professors Renwick, Byrne and Locke say, that by a law of nature the force or velocity of a draft depends upon the height of the chimney—the force and velocity being measured by the difference in the weight between the column of air within the chimney and an outside column of equal height and diameter—so that a reduction of the height of the chimney involves a diminution of that force with which nature supplies air to combine with fuel for combustion, and by consequence there follows a diminution of heat developed in the furnace, of steam generated in the boiler and of power by which the wheel is moved and the boat propelled.

The commissioner in his report says, “the deduction of science also shews that the draft is increased by elongating the chimneys.” In this question economy of fuel is not the object to be attained, but the greatest practicable speed consistent with safety. And this is attained where there is no defect in the furnace, by the combustion of the largest amount of fuel. Forty-three bushels of bituminous coal are consumed per hour by each of the Pittsburg packets.

The commissioner says, “in relation to the question whether chimneys as high as those now in use upon the Pittsburg and Cincinnati packets, and some of the larger boats on the Ohio, are necessary for

obtaining the maximum of speed desirable in the navigation of the river, there is a diversity of opinion among the witnesses, especially among those who are not acquainted with the scientific principles of chimney-draft in reference to the combustion of fuel for the generation of steam. But I think there is a great preponderance of the testimony, even of that class of witnesses, in favor of the necessity of very high chimneys upon the large Ohio steamboats."

And he further remarks, "rejecting the deductions of science on the subject, the teachings of experience shew that as boats upon the Ohio have been gradually improved in their dimensions from time to time, and the height of their chimneys increased, they have been enabled to run with greater speed, to the evident advantage of commerce and of travel upon the rivers. And the fact that several different projects, for procuring artificial draft (such as blowers) as an available substitute for the draft of tall chimneys, have been tried upon the western waters, and have failed and been abandoned, is very strong evidence in favor of the necessity of natural draft for the combustion of wood and bituminous coal upon the steamboats navigating the Ohio."

There is no better evidence of utility than the progress made in the structure of steamboats and of the machinery by which they are propelled. Men who are engaged in navigation learn by experience, and adopt that which will be most conducive to their own interests.

It appears from the statement of Scowden, an engineer, that the chimneys of the first boat called the Cincinnati were 84 feet high from the surface of the water when light, and about 74 feet high from the centre of the flues. Her chimneys were shortened eight feet, and it diminished her speed up stream from a mile to a mile and a half per hour. Captain Hazlep states that adding eight feet to the chimney of the Telegraph in 1849, increased her speed about half a mile an hour up stream. And by Captain Duval, that the Clipper's chimney being cut off eight feet in order to pass the Wheeling bridge, reduced her speed about three hours between Cincinnati and Pittsburg. And it may be fairly inferred that a reduction of twenty feet would reduce the speed between Cincinnati and Pittsburg about four hours.

According to this estimate, the cost of the boat per hour being as above stated, \$8 33, if there should be an average loss of four hours in each trip, it would amount to \$33 32. This sum multiplied by 60, the average number of trips each season, would amount to the sum of \$1,999 20, and this being multiplied by seven, the number of the packets, would make the sum of \$13,994 40, an annual loss by the owners of the packets, by reducing the height of their chimneys so as to pass under the bridge at the different stages of the water.

But it is said these seven packets are the only boats obstructed by the bridge, of the two hundred and thirty which ply upon the Ohio and run to Pittsburg.

The transportation of goods and passengers by these packets will shew their relative importance as instruments of commerce between Cincinnati and Pittsburg. From the evidence it appears that they convey about one-half of the goods in value and three-fourths of the passengers between those cities. Taking the Keystone State as a

criterion, each packet transports annually thirty thousand nine hundred and sixty tons of freight, and twelve thousand passengers. The line was established in 1844, and it appears from the proof that since that time it has transported between the above cities nearly a million of passengers.

It is in proof that the life of these packets averages five years, when their places in the line must be supplied by new boats. If to their original cost of construction there be added the expense of running them for five years, adding nothing for repairs or accidents, a total sum will be expended of \$1,680,000. This amount of capital is appropriated every five years in running this line of packets. The structure of the bridge cost less than one-eighth of that sum.

The speed of these boats, their excellent accommodations and their general good management, recommend them to the public, as is shown by the large amount of goods and passengers they convey. And any change in their structure, or in the production of the propelling power which shall impede their progress, would not only impose upon their proprietors a most onerous tax, but it would greatly lessen their profits, by reducing the amount of freight and passengers. And no part of the amount would, probably, pass to other boats on the river, but to the northern or southern lines, where greater expedition is given.

In the report of the commissioner a statement is made of the stages of water, at Wheeling, for twelve years, beginning on the 10th of March 1838, and ending on the 9th of the same month 1850.

The highest part of the bridge, by actual measurement from the ground, is 91-31 feet. This elevation is only at a single point 284 feet from the face of the eastern abutment. From the apex it deflects east and west, being at the distance of forty feet westward only 89-48 feet above the ground, and at the same distance east only 89-77 feet above the ground. The chimneys on the seven packets require a space of about thirty feet in width to pass under the bridge within the eighty feet allowed, and the depth of water and a sufficient headway must be deducted, to shew the height of the bridge for the passage of boats. The headway required, as appears from the report of the engineer, should be, between the tops of the chimneys and the lowest parts of the bridge, from two to three feet: this would reduce the space, say two feet and a half to 87-27 feet.

In the twelve years above stated the water was at the stage of twenty-one feet and over, 219 days; consequently, no boat whose chimneys were 66½ feet high, could have passed under the bridge. Twenty-one feet of water are substituted for twenty feet in the table reported, that statement allowing a foot of water below the measurement. The water, in the above period, was twenty-six feet and over, eighty-three days, during which time no boat could have passed under the bridge whose chimneys were sixty-two feet high. The water was twenty-eight feet and over, fifty-five days during the twelve years, which would have prevented a boat from passing under the bridge whose chimneys were sixty feet high. Within the same period the water was sixteen feet and over, five hundred and thirty-four days;

consequently, boats whose chimneys were seventy-two feet high, during that whole time could not have passed under the bridge.

In his report the commissioner says, "the bridge is 980 feet between the bases of the two abutments. At the highest point of the bridge, for the distance of about fifty-six feet in width, there is a clear headway, for the passage of steamboats with their chimneys standing, of ninety-one feet above extreme low water. But this space of fifty-six feet in width is not over any part of the river at extreme low water. The water upon the Wheeling bar must be about four feet deep, to bring the easterly edge of the stream under the western extremity of the fifty-six feet. And it must be more than fifteen feet deep upon the bar to enable a steamboat drawing five feet to avail itself of the ninety-one feet headway above low water mark for the whole width of fifty-six feet.

"It follows from this statement of facts, that a steamboat drawing five feet of water, and whose chimneys are seventy-nine and one-half feet high, or over, can never pass under the apex of the bridge, at any stage of the water, without lowering her chimneys."

From the data referred to, the defendant's counsel contend that in a few years at most, there will be a concentration of railroads at Wheeling, and at other places on the Ohio, connecting the eastern with the western country, which from their speed and safety must take from the river the passengers and a considerable portion of the freight now transported in steamboats; that these roads crossing the Ohio river will reach the commercial ports of the interior, and diffuse a larger amount of commerce than that which is now transported on the Ohio. And it is intimated that the Wheeling bridge may be used by the railroad cars; but it is clearly proved that the bridge is not calculated for such a transportation.

However numerous these roads may be, there can be no doubt, like similar roads in other parts of the country, their cars will be loaded with freight and passengers. But it may not follow that the Ohio and our other rivers will be deserted or their business reduced. We have an extent of river coast, counting both shores, exceeding twenty-five thousand miles, through countries the most fertile on the globe. This is a greater distance than the combined railways of the world. That our railroads, as avenues of commerce, may develop our resources in a greater degree than is now anticipated, must be the desire of every one. But the great thoroughfares provided by a beneficent Providence should neither be neglected nor abandoned. They will still remain the great arteries of commerce.

Past experience teaches us, that however the facilities of commerce may be multiplied, her tracks will be filled with productions which enrich the country and add to the comforts and enjoyments of its rapidly increasing population. The rewards of labor will give an irresistible impulse to enterprise, which must secure to our country a prosperity unequalled in history. Our internal commerce is more than three times as great as our foreign, and the increased lines of intercourse will cause both rapidly to advance. The protection of the river commerce is by no means hostile to any other. The multi-

plication of commercial facilities will, in the same proportion, increase the articles of trade.

If viaducts must be thrown over the Ohio for the contemplated railroads, and bridges for the accommodation of the numerous and rising cities upon the banks of the river, it is of the highest importance that they should not be so built as materially to obstruct its commerce. If the obstructions which have been demonstrated to result from the Wheeling bridge are to be multiplied as these cross ways are needed, our beautiful rivers will in a great measure be abandoned. An experience of forty years shews how much may be done in the structure of steamboats, in the improvement of their machinery and the propelling power, to increase the speed and the comfort of that mode of transportation, under a continued reduction of expense. But if the limit of advance in this respect has already been passed, and a retrograde movement is necessary, by rejecting the improvements recommended by ingenuity and experience, we close our eyes to one great source of our prosperity. What would the West now have been if steam had not been introduced upon our rivers and their navigation had not remained free? Without an outlet for the products of a prolific soil and the instruments of mechanical ingenuity, the country could have made but little advance.

It is said that the interest of commerce requires navigable waters to be crossed, and that in such a case the enquiry should be, Whether the benefit conferred upon commerce by the cross route is not greater than the injury done? In the case of the *King vs. Sir John Morris*, 1 Barn. & Adol. 441, it was held that the injury cannot be balanced against the benefits secured. And in the case of the *King vs. George Henry Ward*, 3 Ib. 26, 384, it was held, where the jury found an embankment complained of was a nuisance, but that the inconvenience was counterbalanced by the public benefit arising from the alteration, it amounted to a verdict of guilty.

If the obstruction be slight, as a draw in a bridge which would be safe and convenient for the passage of vessels, it would not be regarded as a nuisance where proper attention is given to raise the draw on the approach of vessels. Of this character is the complaint of the plaintiff against the bridge, that it obstructs sea vessels built at Pittsburg. Sails cannot be used to advantage on the Ohio or the Mississippi; consequently, there can be no necessity of raising the masts until it become necessary to hoist the sails. Such vessels float down the river or are towed by steam vessels.

It is true the injury done to the state of Pennsylvania may seem to be small when compared to the magnitude of this subject. It applies to all our rivers, and affects annually a transportation of many millions of passengers and a commerce worth not less than six hundred millions of dollars. It would be as unwise as it is unlawful, to fetter in any respect this vast commerce.

In all the charters granted for the construction of bridges over navigable waters, it is believed all the states, not excepting Virginia, have provided that their navigation should not be obstructed.

The bridge company had legal notice of the institution of the suit

and of the application for an injunction to stay their proceedings before their cables were thrown across the river. This should have induced them to suspend for a time their great work, alike creditable to the enterprise of their citizens and the genius and science of the engineer who planned the bridge and superintended its construction. It is a matter of regret, that by the prosecution and completion of the bridge they have incurred a high responsibility.

For the reasons and facts stated, we think that the bridge obstructs the navigation of the Ohio, and that the state of Pennsylvania has been and will be injured in her public works in such manner as not only to authorize the bringing of this suit, but to entitle her to the relief prayed.

Believing, from the estimates in the case, that the obstruction to the navigation of the river may be removed by elevating the bridge at an expense which, when added to the original cost, will leave a reasonable profit to the stockholders on the entire capital expended, we have endeavored to ascertain the lowest point of elevation which will secure this object. And on a full view of the evidence, we are brought to the conclusion that an elevation of the lowest parts of the bridge, for three hundred feet over the channel of the river, not less than one hundred and eleven feet from the low water mark, will be sufficient—the flooring of the bridge descending from the termini of the elevation at the rate of four feet in the hundred—this will give a level headway for boats of three hundred feet in width and will enable those whose chimneys are eighty feet high to pass under the bridge, when the water is thirty feet deep from the ground, leaving the tops of the chimneys two feet below the lowest parts of the bridge. If this or some other plan shall not be adopted which shall relieve the navigation from obstruction on or before the first day of February next, the bridge must be abated.

We do not deem it necessary to provide against the floods which seldom occur, and which, when at the highest, overwhelm the lower parts of our cities and towns on the banks of the Ohio, and necessarily suspend for a short time business upon the river.

On the above opinion being pronounced, and the two dissenting opinions, Mr. Johnson, of counsel for defendants, suggested to the court, that the engineer of the bridge had informed him that the obstruction to the navigation of the Ohio might be avoided by making a draw in the suspension bridge, or in some other manner far less expensive to the bridge company, and equally convenient to the public, than by elevating the bridge as required in the opinion.

On this suggestion the court observed, that as they were desirous of having the obstruction removed in a manner that shall be most convenient and least expensive to the bridge company, they requested the counsel to file in writing his suggestions and give notice to the other side, that both parties may be heard in regard to them.

Mr. Chief Justice TANEY—dissenting:

As this is a case of much importance to the parties and the public, and I do not concur in the judgment of the court, it is my duty to express my opinion. I shall do so as briefly as I can.

The first question to be decided is, Whether this bridge is a public nuisance or not, which this court has a right to abate? The state of Pennsylvania, it is true, complains of an interruption to her canals, in which, in her character as a state, she has a proprietary interest, analogous to that of an individual owner. She seeks redress for this injury. But she proceeds upon the ground that the bridge is a public nuisance, from which the state receives a particular injury to its property, beyond that which the public in general sustain. And the foundation of her claim as stated in the bill is that the bridge is an unlawful obstruction to the navigation of a public river, and therefore a public nuisance. The immense mass of testimony contained in this record is directed almost altogether to that point. In order therefore to maintain the bill it is incumbent upon the state to shew that this bridge is a public nuisance; and if it is a public nuisance, it must be because it is a violation of some law which this court has a right to administer.

In examining this question it must be borne in mind that although the suit is brought in this court, the law of the case and the rights of the parties are the same as if it had been brought in the circuit court of Virginia in which the bridge is situated. Pennsylvania as a state has the right to sue in this court. But a suit here merely changes the forum, and does not change the law of the case or the rights of the parties. And if in the circuit court of the United States, sitting in Virginia, this bridge could not be adjudged a nuisance and abated as such, neither can it be done in this court. The state in this controversy has the same rights as an individual, and nothing more. And the court is bound to administer to the state here the same law that would be administered to an individual suitor suing for a like cause in a circuit court of the United States sitting in the state where the bridge is erected.

Assuming then that it does obstruct a public navigable river, and would at common law be a public nuisance, I proceed to enquire, Whether this court is authorized to declare it to be such; and order it to be abated?

The Ohio being a public navigable stream, congress have undoubtedly the power to regulate commerce upon it. They have the right to prohibit obstructions to its navigation, to declare any such obstruction a public nuisance, to direct the mode of proceeding in the courts of the United States to remove it, and to punish any one who may erect or maintain it, or it may declare what degree or description of obstruction shall be a public nuisance—as for example, the height of a bridge over the river, or the distance to which a wharf may be extended into its navigable waters.

But this power has not been exercised. There is no law of the United States declaring an obstruction in the Ohio or any other navigable river to be a public nuisance, and abated as such; nor is there

any act of congress regulating the height of bridges over it. We can derive no jurisdiction therefore over this subject from any law of the United States; and if we exercise it, we must derive our authority from some other source.

But we cannot derive it from the common law. For it has been settled since the beginning of this government, that the courts of the United States as such have no common law jurisdiction, civil or criminal, unless conferred upon them by act of congress. It is true that the courts of the United States, when sitting in a state, administer the common law, where it has been adopted by the state. But it is administered as the law of the state, under the authority and direction of the act of congress, which makes the laws of the state the rule of decision in a court of the United States when sitting in the state, provided such laws are not contrary to the constitution, laws or treaties of the United States. We cannot, under the rule of decision thus prescribed, adjudge this bridge to be a nuisance, although it may obstruct the navigation of the river, unless it is a nuisance by the common law as adopted in Virginia and modified by its statutes. But this bridge was built under the authority of a statute of the state. The structure in its present form has been sanctioned by the legislature. It is therefore no offence against the laws of the state, and a circuit court of the United States, sitting in the state and governed by its laws, when not in conflict with the constitution or laws of the United States or treaties, could not order it to be abated as a public nuisance, and this court has no higher power over this subject, either at law or in equity, nor any other rule to guide it, than a circuit court sitting in Virginia. And as the bridge is not a nuisance by the laws of that state, and there is no act of congress making the obstruction of a public river an offence against the United States, and we have no common law to which the court may resort for jurisdiction, I do not understand by what law or under what authority this court can adjudge it to be a public nuisance and proceed to abate it, either upon a proceeding in chancery or by a process at law.

If it is a public nuisance, it is an offence either against the United States or the state of Virginia, for which the persons who erected or who continue it, are liable to be indicted. For we need go no further than Blackstone's Commentaries, (4 Bl. Com. 167,) for proof that the unauthorized obstruction of a navigable river is an offence, and may be punished in a criminal proceeding by indictment. Can the parties who built or continue this bridge be indicted for it as an offence against the public? This appears to me to be the true test. We are enquiring whether there is any law which this court has the power to administer, under which this bridge may be adjudged a public nuisance or purpresture? If there is, then the persons who erected it may be punished in a criminal proceeding.

For if it is a public nuisance or purpresture, it is an offence against the sovereignty whose laws have been violated. Could they be indicted for an offence against the United States? This will hardly be contended for, as common law offences cannot be punished in its courts, unless they are declared offences by act of congress. And

as we have no such act of congress, it is clear that an indictment, charging the obstruction as an offence against the United States, could not be maintained. It is equally clear, that an indictment, charging it as an offence against the state, could not be supported, for the law of the state sanctions its construction. It may be asked, in reply to this view of the subject, Is this great river then liable to be obstructed by bridges whenever the states, through whose territories it passes, choose to authorize them? And are the inhabitants above the obstructions to be shut out from its navigation, and without redress? The argument *ab inconvenienti* would be entitled to great consideration, if there was any foundation for it, although it would not alter the law. But this opinion leads to no such result. For I have already said that congress have the power to declare the obstruction of a navigable stream an offence against the United States, and to authorize the courts of the United States to abate it as a nuisance; and any law of a state to the contrary would be unconstitutional and void.

If therefore there be an evil, it may easily be corrected by the legislative authority of the general government. But if congress have not thought proper, or do not think proper to exercise this power, and public mischief has arisen, or may arise from it, it does not follow that the judicial power of the United States may step in and supply what the legislative authority has omitted to perform. It does not by any means follow that the judicial power may declare an obstruction in or over a navigable stream an offence against the United States before the legislative power has forbidden it, and conferred authority upon the courts to punish or remove it.

Undoubtedly this court has original jurisdiction when a state is a party. But it cannot exercise that jurisdiction without some law prescribing the mode of proceeding, the rule of decision, and the evidence by which the right in dispute is to be tried. The unskillful and careless manner in which a steamboat is navigated may impede the passage of other vessels, and sometimes endanger their safety. Yet if Pennsylvania sued here for any injury arising from this cause, we could exercise no jurisdiction, and give no redress unless there was some law to guide us. And when a case of this kind is not embraced in any law of the United States, we always resort to the established usages of navigation on the river and the laws of the state in whose jurisdiction the injury was sustained.

The cases in which the court has taken jurisdiction in questions of boundary between states stand on different ground. The original jurisdiction was conferred by the constitution. The evidence upon which the right in controversy must be decided depended upon the laws and usages of nations in disputes of that kind. Congress had no power over the subject. It could neither give nor take away the right of either party, nor prescribe the evidence by which it was to be tried. All that congress was required to do, or could do, was to authorize the court to issue the proper process to bring the parties before it, and to conduct the proceeding to final judgment. This was admitted on all hands to be necessary before the court could exercise the jurisdiction which the constitution had conferred. And in the

case of *New Jersey vs. New York*, 5 Pet. 287, 288, it was held that the acts of 1789 and 1792 had clothed the court with the necessary power.

The rule as to navigable waters is undoubtedly this: Every independent nation has the exclusive jurisdiction over the navigable waters lying within its territorial limits. It has the right to regulate commerce upon them, and to determine what bridges may be built over them, or piers or wharves extended into them. And an erection authorized by the legislature cannot be a nuisance, public or private. This was the situation of the old states prior to the adoption of the constitution. Each was then an independent sovereign state. But by the constitution of the United States they surrendered to the general government the power to regulate commerce. And thus, while they retained their absolute territorial jurisdiction over their navigable waters in all other respects, congress may forbid the erection of any structure in a navigable stream which it deems an obstruction to commerce, and may declare it a nuisance, and direct it to be removed. But all the original authority of the state over the river remains subject to that limitation. For otherwise, until congress thought proper to legislate, navigation on the river would be under no control. Boats might be run down with impunity, and obstructions of every kind erected in or over it, which the state could not prevent or punish.

The bridge in question is entirely within the territory of Virginia. Prior to the adoption of the constitution of the United States she had an unquestionable right to authorize its erection. She still possesses the same control over the river, subject to the power of congress so far as concerns the regulation of commerce. The United States and Virginia are the only sovereignties which can exercise any power over the river where the bridge is erected. Virginia has authorized it, and congress have acquiesced in it. Congress have made no regulation declaring such a structure unlawful, or authorizing any judicial proceeding against it. If congress, to whom the power is granted to regulate commerce, have acquiesced, how can the court, to whom the power is not granted, undertake to regulate it, and declare this bridge an obstruction, and the law of Virginia unconstitutional and void? With all my respect for my brethren, I think it is an error—and I had almost said, a grave one.

If it should be said that the compact between Virginia and Kentucky makes the river free independently of the constitution, the answer is obvious. The compact does not deprive Virginia of the power to regulate the police of the river, or to authorize bridges or piers, or other structures in it. Such a compact between states has always been construed to mean nothing more than that the river shall be as free to the citizens or subjects for which the other party contracts, as it is to the citizens or subjects of the state in which it is situated. But if this compact or any compact should be construed to prohibit the erection of the bridge, the proceeding should be to enforce the observance of the compact. If erected in violation of a compact, it is still not a nuisance, because there is no law prohibiting it. It would be a breach of contract by the state, and the remedy in a very different mode of proceeding.

This compact between Virginia and Kentucky in relation to the navigation of the Ohio was one of the articles of agreement under which Virginia consented that Kentucky should become a separate state. Kentucky could not become a separate state without the consent of congress. But the act of congress which gave that assent makes no reference whatever to the terms of agreement between the states. It does not make the United States a party to them, nor guarantee their execution. It simply declares its consent that the district of Kentucky should, on the 1st of June 1792, become a state according to its actual boundaries on the 18th of December 1789. The act of congress is in 1 Stat. 189, and contains no allusion whatever, direct or indirect, to the navigation of the Ohio. It leaves the compact as it was—that is, a compact between the two states and nothing more, and to be enforced by a proceeding upon it.

Nor is there any difference in the rights of navigation, between the rivers and bays of the Atlantic states and those of the West. The old and the new states in this respect stand upon an equal footing. It was so decided in this court in the case of *Pollard vs. Hagan*, 3 How. 212; and that decision has been sanctioned in subsequent cases, to which it is not now necessary to refer.

The complainant, however, insists that the law of the United States for enrolling and licensing coasting vessels gives to the vessel so enrolled and licensed the right to navigate the river free from obstructions: that this law, therefore, by necessary implication, forbids the erection of the bridge which obstructs the navigation, and consequently defines the rights of the parties. And if a vessel is obstructed the law is violated, and the injured party entitled to his remedy and to have the obstruction removed. The case of *Gibbons vs. Ogden* is relied on to support this proposition.

This brings up the question, Whether the law of Virginia sanctioning the erection of this bridge, is or is not repugnant to the constitution or laws of the United States? Is it repugnant to the clause of the constitution which gives congress the power to regulate commerce, or to any law passed under it? If it is not, then the structure complained of being within the territory of the state, and authorized by its legislature, cannot be a public nuisance or a private nuisance, in the eye of the law. Nor has any one a right to complain of it as an unlawful obstruction in his way, nor to maintain a suit at law or in equity for any inconvenience or loss he may sustain from it. Assuming that we may exercise jurisdiction on this ground, neither the point nor the principles decided in *Gibbons vs. Ogden* have, in my judgment, any application to the one before us. In that case the legislature of New York passed a law granting to certain persons the exclusive privilege of navigating all the waters within the jurisdiction of that state with boats moved by fire or steam; and authorizing the chancellor of the state to restrain by injunction any person whatever from navigating these waters with boats of that description. The complainant claimed under the grantees of the monopoly, and sought by his bill to restrain the respondents from navigating the waters embraced in it. And this court held, and undoubtedly correctly held,

that the law of the state was unconstitutional: that a vessel enrolled and licensed for the coasting trade, under an act of congress, had a right to navigate any of the navigable waters of the United States, and that no state had a right to forbid it.

There was no question in that case as to the authority of a court of the United States to declare an obstruction in a river, which a state had authorized, to be a public nuisance, and treat it as an offence against the United States. The waters in question were navigable and free from impediments of that description, and the boats of the parties who claimed the exclusive privilege were daily passing over them. The only question in the case was, Whether all vessels enrolled and licensed by congress had not the right to pass over the same waters as freely as the vessels of the monopolists? The court said they had; that they had an equal right with the complainant to use the navigable waters of New York.

But the court do not say that an obstruction placed in the water which renders navigation inconvenient or hazardous is a violation of the act for licensing and enrolling coasting vessels or in conflict with it; nor did they say that this act of congress confers on the court the power to adjudge it a nuisance and order it to be abated. There was no such question before the court. It was not in the case, nor was the attention of the court in any way called to it by the argument.

Now in this case Virginia has passed no law giving exclusive privileges to navigate the Ohio river through her territory. If the bridge is an obstruction, her own citizens engaged in the navigation of the Ohio are equally disabled from passing as the citizens of any other state. The question therefore on which this case must turn did not arise in *Gibbons vs. Ogden*. But it did arise and was expressly decided in the case of *Wilson vs. The Blackbird Creek Marsh Company*, 2 Pet. 245. It was the point in the case. A dam across a navigable creek had been authorized by the legislature of Delaware as this bridge has been authorized by the legislature of Virginia. It stopped a navigable creek, and as the court said, must be supposed to abridge the rights of those who were accustomed to use it. So this bridge is supposed to impede the navigation of the Ohio, and abridge the rights of those accustomed to use it. Yet in the case referred to, the court said that as congress in the execution of its power to regulate commerce had passed no law to control state legislation over these small navigable creeks, the law of Delaware was not repugnant to the constitution, not being in conflict with any law of congress. It will be remembered that the act of congress for enrolling and licensing vessels under which *Gibbons vs. Ogden* was decided, was still in force, but was regarded by the court as inapplicable to the obstruction occasioned by the dam.

The result of these two cases is this: The act of congress gives to vessels enrolled and licensed under it the right to navigate the public waters wherever they find them navigable, and that any state law prohibiting it is unconstitutional and void. And upon this ground the judgment of the state court which had decided otherwise was reversed. But that this act of congress had no application to an ob-

struction created by a dam across the navigable water, and that without further legislation by congress, the law of Delaware which authorized the dam was constitutional and valid; and upon that ground affirmed the judgment of the state court which sanctioned the obstruction. I can see no difference in principle between the last mentioned case and the case at bar. There has been no further legislation by congress on that subject since that case was decided. And as the principle is the same, the decision should be the same. And the case of *Wilson vs. the Blackbird Creek Marsh Company* should, in my opinion, govern this.

It can hardly be supposed that the circumstance that a port of entry is established on the Ohio river above the bridge, distinguishes this case from the one referred to. The right which the act of congress gives to vessels enrolled and licensed for the coasting trade, is certainly not confined to the navigation between ports of entry. They have the right to enter any navigable creek or river which may suit their convenience or the business and employment in which they are engaged. And any state law which forbids them to do so, or attempts to confine the right to particular persons, is unconstitutional. Any vessel enrolled and licensed had a right to proceed up Blackbird creek as far as she found navigable water; and her right was as perfect as if a port of entry had been established at the head of navigation, nor can the size of the creek or the small number of vessels that used it, as compared with the Ohio, make any difference between the cases. It was the right that was in question; and that right was the same, whether the navigable water was narrow or wide, or used only by a single vessel or frequented by hundreds.

The case of *Wilson vs. the Blackbird Creek Marsh Company* is entitled to the more weight, because it was decided after the case of *Gibbons vs. Ogden*, which appears by the report to have been recalled to the attention of the court and relied upon in the argument; and the opinion in the last case was delivered by the same learned judge who delivered the elaborate opinion in the former one. It shews that he and the learned court in which he presided did not consider the principles on which *Gibbons vs. Ogden* was decided applicable to a case where an obstruction was placed in a navigable water impeding generally the passage of vessels; and that the courts of the United States had no jurisdiction which would authorize them to remove or abate it, or treat it as unlawful, without further legislation by congress. I think it more safe to follow their own construction of their own opinion in *Gibbons vs. Ogden*, than to look for a new one.

Indeed, apart from any decisions on the subject, I cannot perceive how the mere grant of power to the legislative department of the government to regulate commerce, can give to the judicial branch the power to declare what shall and what shall not be regarded as an unlawful obstruction, how high a bridge must be above the stream, and how far a wharf may be extended into the water, when we have no regulation of congress to guide us. Nor do I see how we can order a bridge or a wharf to be removed, unless it is in violation of some law which we are authorized to administer. In taking jurisdiction, as the

law now stands; we must exercise a broad and undefinable discretion, without any certain and safe rule to guide us. And such a discretion, when men of science differ, when we are to consider the amount and value of trade, and the number of travelers on and across the stream, the interests of communities and states sometimes supposed to be conflicting, and the proper height and form of steamboat chimneys—such a discretion appears to me much more appropriately to belong to the legislature than to the judiciary.

Besides, I think there is an insuperable objection to this proceeding in equity, even if this bridge should be regarded as a nuisance, public or private. And it appears to me to be settled law in England as well as in this country, that chancery will not interfere by injunction where the evidence is conflicting and the injury doubtful. I do not speak of informations in chancery where the attorney general is a party, for this is not a proceeding of that kind. But I speak of cases between individual parties, like the present one. And the rule above stated, when there is a conflict of testimony, will be found in 2 Story's Com. p. 201 to 207, where the subject is fully examined and the cases which have been decided referred to. And a case where there is more conflict in the testimony of men of high character and undoubted skill and knowledge could hardly be imagined than is presented in the record before us, nor a case where the injury is more doubtful. For, after the experience of two years, we see how small the loss has been, compared with the immense trade and the multitude of steamboats which during that time have passed under it.

Neither can the jurisdiction of a court of chancery be supported upon the ground that the injury is immediate and irreparable, or that any serious embarrassments lie in the way of an action at law. The injury after two years experience has not been found serious enough to lessen the navigation and commerce of the river. On the contrary, they have been continually increasing since this bridge was built. And if it be an injury for which the party is entitled to a remedy, he has a plain and adequate remedy at law, and therefore, upon general principles of equity, and more especially under the express provisions of the act of 1789, he has no right to come into chancery for relief. And if an action at law were brought by the state in the circuit court of the United States sitting in Virginia, the proceeding at law would be as free from embarrassment and difficulty, as any action at law for any injury for which the law gives a remedy. And there is no reason to suppose that the respondents are not able to answer to any amount of damage, which upon the evidence in this case the state of Pennsylvania might recover against them. If it should be said that as the legislature of Virginia have sanctioned the erection of this bridge, prejudices in favor of it might be supposed to influence the jury, the answer is obvious. The law would be decided by the circuit court, subject to the revision and control of this court; and we are bound to presume that a jury in a circuit court of the United States would do equal justice between citizens of their own state and another state or its citizens. The constitution and laws so presume. And certainly this court would never act upon any apprehension that

justice would not be done by a jury in any state, when summoned and empaneled according to the laws of the United States. And still less could it be induced to assume extraordinary and unusual powers from fears or suspicions of that kind.

But Pennsylvania has undoubtedly the right to sue in this court or in the circuit court, at her election. She has the same right to sue here in an action at law as she has to file her bill in equity. And in an action at law brought here by the state of Georgia *vs.* Brailsford et al., 3 Dal. 1, the case was tried by a jury in the same manner as if the suit had been brought in the circuit court. And the jury brought here to try this case would undoubtedly be free from all suspicion of bias or prejudice.

It may be said that such a proceeding here would embarrass and retard the business of this court, and would be expensive and onerous to the complainant, as the witnesses must be brought from a distance and detained here for a considerable time. This is true. But the complainant, if he sues in this court instead of the circuit court, does so by his own choice. And if the remedy at law in the forum selected by him is embarrassing and expensive, he has no right to complain, nor to go into equity to avoid difficulties at law which arise from the nature of the forum to which he voluntarily resorts; and certainly no inconvenience to the court could alter the law, nor give the court equity jurisdiction where the law has denied it. In the language of the act of congress, Pennsylvania has in this case a plain and adequate remedy at law, and has no right therefore to come to the equity jurisdiction of the court until her legal right has been established.

Indeed this case, in my view of it, pushes the jurisdiction of chancery further than has heretofore been done in England or in this country.

The bridge has been erected and completed without any previous injunction to restrain the respondents from proceeding in the work. It is charged to be a public nuisance. But Pennsylvania has no right to proceed against it solely on that account. She proceeds, and is entitled to proceed, only for the private and particular injury to her property which this public nuisance has occasioned. If the court order it to be demolished, it is not to protect the public, or any portion of the community who may be supposed to be injured by it. For the government, which represents the public and is charged with its interests, is not before the court, and has not complained of this structure nor sought to have it removed. Pennsylvania is the only party asking for relief; and her damage, as proved in the record, is a trivial loss of some few dollars in tolls, and the mere possibility of an annual future loss to some small amount, concerning which the testimony is vague and inconclusive, and at best but conjectural. She has no concern with the obstruction to boats with high chimneys, nor with the amount of trade from Pittsburg or any other place, further than such evidence tends to shew the bridge to be a public nuisance. The owners of steamboats and the persons engaged in commerce are not parties to this suit, and the state of Pennsylvania has no right to prosecute for them. She must not only shew that boats with high

chimneys are more profitable to the owners and better for commerce than those with lower ones, but she must also shew that the necessity of reducing them will lessen the profits of her canals. I see no proof in the record by any means sufficient to establish that fact; and we are called upon to demolish a structure which cost more than \$200,000, to save the state of Pennsylvania from this speculative, questionable and at most inconsiderable loss. It seems to me, that if the power and jurisdiction of this court were clear and supported by precedents, yet this court, upon settled principles of equity jurisprudence, would refuse to destroy property of so much value, and which the public, by its proper officer, does not charge to be a nuisance, merely to guard against the possibility of an inconsiderable loss by the state. It is precisely one of those cases in which the court would at all events require the party to establish his right at law before he comes into equity, or to make the attorney general a party and give the public an opportunity of being heard where its interest is so deeply involved.

I do not doubt the power of the court of chancery to abate a public nuisance, upon an information in chancery to which the attorney general is a party. But even in a case of that kind there must be danger of irreparable mischief before the tardiness of the law can reach it. This is the doctrine of this court in the case of the City of Georgetown *vs.* the Alexandria Canal Company, 12 Pet. 98. But such a case is not now before us. The attorney general is not a party. Pennsylvania sues as an individual for a private right. And in a case of this description I am not aware of any case entitled to be regarded as an authority in this court, where chancery ever interfered by injunction except by way of prevention—that is, to stay the contemplated structure until it could be decided in a proceeding to which the public was a party, whether it was a public nuisance or not. We must be careful not to confound cases of public nuisance with merely private ones. For in the former the public have an interest to abate it if a nuisance, and to protect it if it is not; and therefore have a right to be heard whether the trial be in equity or at law.

This was evidently the opinion of this court in the case of the City of Georgetown *vs.* the Alexandria Canal Co., and also in the case of Crowder *vs.* Tinkler, 19 Ves. 616, therein cited with approbation. In the last mentioned case, where the court interfered for prevention, and not to abate a structure already completed, the chancellor placed the injunction upon the ground that the nuisance about to be erected would be attended with extreme probability of irreparable injury to the property of the plaintiffs, including also danger to their existence; and this was clearly established in that case before he awarded the injunction. Such is the rule upon this subject which was sanctioned by this court. Certainly no one of the material circumstances which existed in Crowder *vs.* Tinkler can be found in this. And if the principles decided here in the case of the City of Georgetown *vs.* the Alexandria Canal Company are recognized as the law of this court, I can see no foundation for the injunction in the case before us. For it not only has none of the circumstances in it upon which the injunction

was granted in *Crowder vs. Tinkler*, but in that case, strongly as it appealed to the preventive power of the court of chancery, the court merely suspended the erection until the question of public nuisance or not could be tried by a jury upon an indictment. It did not grant a perpetual injunction, and still less did it order what had already been constructed to be abated or removed.

So far, I have considered the case upon the assumption that the bridge, upon common law principles, would be a nuisance. And admitting that it would be one, I think, for the reasons above stated, that in the absence of any legislation upon the subject by congress, this proceeding cannot be maintained. I shall therefore very briefly express my opinion on the evidence.

I am by no means prepared to say that this bridge would be a public nuisance even at common law. The evidence of the degree in which it obstructs navigation is exceedingly voluminous, and it is impossible to go fully into an examination of its comparative weight in a manner that would do justice to the subject, without making this opinion itself a volume. It is sufficient to say that in all questions of this kind the general convenience and interest of the public in the travel and trade across the river, as well as on its waters, must be taken into consideration. For whether it is a public nuisance or not, depends upon whether it is or is not injurious to the public. The cases in the state courts and in the circuit courts of the United States, referred to in the argument, which I shall not stop here to examine, in my opinion maintain this doctrine. And upon principle, independently of adjudications, it cannot be otherwise. A structure which promotes the convenience of the public cannot be a nuisance to it. And the public whose interests are to be looked to in this case, is not the public of any particular town or district of country or state or states, but the great public of the whole Union. Taking this view of the question, and looking to the testimony as set forth in the record, and more especially to that unerring test, *experience*, which the lapse of time has afforded, I am convinced that the detriment and inconvenience to the commerce and travel on the river are small and occasional only, while the advantages which the public derives from the passage over it are great and constant. And if the courts of the United States had common law jurisdiction, and the question was legally before us to determine whether this bridge was a public nuisance or not, I am of opinion that it is not, and that the advantages which the great body of the people of the United States reap from it outweigh the disadvantages and inconvenience sustained by the commerce and navigation of the river.

Moreover, the jurisdiction exercised in this case is new and without precedent in this court. Bridges have been erected over many navigable rivers, and built so near the water that vessels can pass only through a draw. Such bridges are unquestionably obstructions and impede navigation. For where the vessels are propelled by sails and the wind is unfavorable, they are often detained not only for hours but for days. The courts of the United States have never exercised jurisdiction over any of these obstructions, nor declared them to be

nuisances. I should be unwilling in a case like this to exercise this high and delicate power without precedents to support me in analogous cases. The demolition of this bridge would occasion a heavy loss to the parties and much inconvenience to a large portion of the community. The United States are not parties to this proceeding, and the particular injury sustained by the complainant is exceedingly small; and it is solely for the protection of her small, remote, contingent and speculative interest in tolls that this bridge is pulled down. For it must be remembered, that although we see in the testimony that injuries are alleged to have been suffered by others, yet the state of Pennsylvania is the only party to this proceeding—the only one who appears in this court as complainant; and her particular loss is the only ground on which jurisdiction is claimed, and the only injury which the court is called on to redress or has a right to consider in this proceeding.

The testimony too is conflicting—men of eminence and skill, and well qualified to speak on the subject, differing widely in their testimony. And I am the more unwilling to assume this questionable jurisdiction, because the legislative department of the general government has undoubted power over the whole subject, and may regulate the height of bridges over the Ohio, and of the chimneys of steamboats when passing under them; and may, while it guards the rights of navigation in the stream, at the same time protect the rights of passage and travel over it. That department of the government has better means too of obtaining information than the narrow scope of judicial proceedings can afford. It may adopt regulations by which courts of justice may be guided in any enquiry like this with some degree of certainty, instead of leaving them to the undefined discretion which must now be exercised in every case that may be brought before us, without being able to lay down any certain rule by which this discretion may be limited. It is too near the confines of legislation—and I think the court ought not to assume it.

Entertaining this opinion, I must, with all the respect I feel for the judgment of my brethren, with whom it is my misfortune to differ, enter my dissent.

Mr. Justice DANIEL—also dissenting:

In entering upon the consideration of the case before us, the mind is at once impressed with the belief that there never has been, that there perhaps never can be brought before this tribunal, for its decision, a case of higher importance or of deeper interest than the present. The subjects which it presses upon our examination, nay, upon which the judgment of this court has been demanded and has inevitably determined, are nothing less than—

1st. The jurisdiction or authority of this court, under one of the heads of *Original Jurisdiction* enumerated in the constitution.

2nd. The correct interpretation of the power of commercial regulation vested in the federal government, either exerted simply as such by that government, or as affecting the power of internal improvement in the states.

3rd. The policy or influence of particular regulations with respect to commerce, as these may tend to restrict it within circumscribed channels, or to promote its general activity and diffusion, by facilities operating a reasonable and just equality of right, of competition and advantage to all.

4th. The character of the proceeding complained of as a nuisance, the regularity of the proposed mode of redress and the right of the complainant to claim the interference asked for in any mode.

The magnitude of these topics would seem in some degree to excuse in treating them the hazard of prolixity, and at any rate, lying as they do in the direct path to the proper survey of this case, they cannot with propriety be overstepped without pausing upon their examination.

When at a former period this cause was before this court, the several topics just enumerated were cursorily adverted to by me as necessarily involved in its adjudication; and the course then adopted by the court was formally objected to, because that course seemed a premature and foregone conclusion upon facts and legal positions entering essentially into the nature of the controversy; facts and legal positions not then maturely examined and ascertained, as the order of the court at that time made necessarily implies—and which could not according to established precedent, and the highest adjudications, be properly investigated in the mode proposed. The subsequent proceedings upon the order of the court at the January term 1850 have greatly strengthened the objections assigned by me on that occasion—these proceedings have, at an almost incalculable expense to the parties, brought hither an immense mass of matter, much of which on the one hand is not within the enquiries directed by the court, whilst on the other, enquiries strictly pertinent seem to have been wholly excluded. It has placed before us a long and very learned report to be sure, in part upon subjects entirely dehors the order of the court, and in other aspects of the same report (I speak it with all respect for the highly intelligent and respectable author of that report,) palpably opposed in my opinion to the rational and just preponderance of the facts stated by the witnesses; a report, in fine, which leaves in all its weight and force, the mischief of withdrawing the trial of the question of nuisance from its proper forum, in which the witnesses could have been confronted and cross examined, and imposes upon the court the task of passing upon the credibility of those whom they have never heard nor seen. Even in matters of minor concernment, I have always been unwilling, whenever the credibility of witnesses was to be tested, to interpose between such persons and the scrutiny of a jury, awakened as it is sure to be by the vigilance of the advocate—where the essential rights and interests of great communities are at stake, I never will do so, unless constrained by irresistible authority.

Returning now to the first head of enquiry, I contend that the complainant can have no standing here on the ground that this court cannot, as is shewn, both upon the face of the pleadings and upon the proofs, take jurisdiction of this cause. If this court can take cognizance of the cause before us, it must be in virtue of the 2nd section

of the 3d article of the constitution, which declares that "in all cases affecting ambassadors, "other public ministers and consuls, and those in which *a state shall be a party*, the supreme court shall have *original jurisdiction*." There is no other provision of the constitution under which original cognizance of this cause by the supreme court can be assumed. Now, to arrive at the just interpretation of this clause of the constitution as fixing that position or interest of the state *as a party*, which alone creates original jurisdiction in the supreme court, it is necessary to settle the import of the word *party* as connected with legal or equitable proceedings. By all correct legal intendment, this term *party* is applicable only to persons sustaining a direct or real interest or right in any pending litigation; an interest or right immediately affected or bound by the issues such litigation involves. This term cannot be extended to persons who may be arbitrarily and irregularly named in proceedings either at law or in equity, the very description of whose relation to the case shall evince a total absence of legal or equitable claims upon the subject of litigation; a total absence too of reciprocal duty or obligation with reference to those whose property, and whose possession and enjoyment of that property are sought to be affected. Whilst courts of justice therefore will enforce the conventing of all whose interest can properly be adjudged, they will repel and even rebuke attempts to assail or even to canvass the rights and interests of others, by those who in effect concede the want of a legal or equitable title in themselves. Courts of justice take no cognizance of *imperfect rights*, or such as may be termed merely moral or incidental, as distinguishable from legal or equitable, even when the existence of the former may be clearly shewn. In this controversy the state of Pennsylvania, admitted to have no property in or title to the river Ohio within the limits of Virginia, and no property in or title to the steamboats which ply upon that river, is confessedly made use of as a mean under the shelter of her name, of redressing grievances which, if they ever had existence, are injuries to her citizens and to individuals, and the proper and efficient remedy for which is to be found at the suit of those citizens in the courts of the state or of the United States.

The alleged right of Pennsylvania to sue in this case for a diminution of profits from her canals and other works of internal improvement within her own territory, and many miles remote from the Wheeling bridge, had it not been cast into shade by a still greater extravagance disclosed by the record, (her right of ship navigation with top gallant royals all standing,) might have awakened some surprise; but even this tamer and less lofty pretension should fail of the end it has been designed to effect, for it cannot be pretended and is not even intimated in the pleadings in this cause, that those canals and other public works have been obstructed or rendered in any respect less fitted for transportation, or in any way impaired by the erection of the Wheeling bridge beyond her territory, and within that of a separate and independent state. And if the mere rivalry of works of internal improvement in other states by holding out the temptation of greater despatch, greater safety, or any other inducement to preference for

those works over the Pennsylvania canals be a wrong, and a ground for jurisdiction here, the argument and the rule sought to be deduced therefrom should operate equally. The state of Virginia, who is constructing a railroad from the seaboard to the Ohio river at Point Pleasant, much farther down that river than either Pittsburg or Wheeling, and at the cost of the longest tunnel in the world, piercing the base of the Blue Ridge mountains, should have the right by original suit in this court against the canal companies of Pennsylvania or against that state herself to recover compensation for diverting any portion of the commerce which might seek the ocean by this shortest transit, to the mouths of her canals on the Ohio or to the city of Pittsburg; and on the like principle the state of Pennsylvania has a just cause of action against the Baltimore and Ohio railroad for intercepting at Wheeling the commerce which might otherwise be constrained to seek the city of Pittsburg. The state of Pennsylvania cannot be a party to this suit on the grounds stated in the bills filed in her name, for the reason still more cogent than any yet assigned, viz: that to permit this would be to render the clause in the constitution relied on in her behalf utterly useless and even ridiculous; would destroy every restriction intended by the enumeration of instances of original jurisdiction, and would confound this clause with another provision of the constitution, designed to cover cases precisely like the one now before the court. If in all instances in which the citizens of one state have cause of action against a citizen or a corporation of a different state, the action can be prosecuted in the name of the state in which the claimant resides, although no peculiar or legal right or cause of action can be shewn in such state sustaining the character of a private suitor, then the restriction as to cases of original jurisdiction is entirely abolished; the defending party too must be entitled to the same right of substitution, and all suits between citizens of different states might by this process be transformed into suits between states, or suits to which states are parties; *cases of original jurisdiction* in this court.

That provision of the constitution designed to embrace controversies between *citizens of different states* is thus annulled, and the jurisdiction of the district and circuit courts transferred as falling within its original cognizance to the supreme court. Such, to my apprehension, appears to be the inevitable result of asserting what are essentially and clearly private rights or interests in the name of a state, or the prosecution of remote, contingent and imperfect interests not amounting to property, though claimed on behalf of a state. I conclude, therefore, that to constitute a state a party in that sense which brings her within the meaning of the constitution, and indeed within the import of the term *party* to a cause by all correct legal intendment, there must be *averred and proved* on her behalf, a certain and direct interest, or an injury, or a right of property—a perfect right—a right which a court of justice can define, adjudge and enforce; and that on the part of the state of Pennsylvania no such right having been averred even, much less established in proof, nothing is shewn which can maintain the jurisdiction of this court in this cause. The shadowy pretext of an interest or injury from the nature of things not suscep-

tible of calculation or estimate, can never be the foundation of a right, legal or equitable. And indeed, so far as any light can be reflected by facts on this pretended or incidental interest of Pennsylvania resulting from any supposed effect upon the tolls on her canals, an actual increase instead of a diminution of those tolls since the erection of the Wheeling bridge is proved.

Passing from this subject of jurisdiction, and supposing it for the present to be vested here, I proceed to examine the pretensions of the complainant as being deducible from, and as guaranteed by the power delegated to congress to regulate commerce between the several states. The existence of that power in its fullest extent, and for every purpose for which it has been delegated to congress, need not be questioned, in order to expose and repel the pretensions advanced for the complainant. On the contrary, the assertion of that power in its greatest latitude, so far as it was ever contemplated by those who gave it, or so far as it can be exercised for useful purposes, carries with it, necessarily, the condemnation of those pretensions. The power to regulate commerce was given to the federal government, whose functions and objects were designed to be general and co-extensive with the entire confederacy, because its duties embrace the equal rights and interests of all the members of the confederacy, and as a mean of the widest diffusion of commercial facilities and intercourse within the powers vested by the constitution. It cannot be rationally concluded, that by a provision palpably intended to protect commerce from unequal or invidious restrictions, the power was given to congress to advance so far towards restriction or monopoly as to limit commerce to particular channels, thereby crippling or wholly preventing its diffusion and activity, and by the same process conferring upon particular points or sections of the country arbitrary and unjust advantages, and riveting upon all those portions affected by such a procedure, loss and even ruin.

Admitting, then, that congress had made any regulation affecting the subjects of this controversy, (and it will hereafter be shewn that they have not done so;) admitting, moreover, that their acts or regulations might fall within the broad language of the power vested by the constitution, it remains still a just and fair enquiry, whether those acts which are arbitrary or oppressive, which defeat the great ends for which the power thus perverted, may have been within the legitimate scope of the powers alleged in excuse for their performance. In other words, whether congress as a regulator of commerce, would be justifiable in breaking down works of internal improvement within the states, though calculated in their character and tendencies for the diffusion of commerce, and by such destruction limit commerce to particular local points or interests? Common sense and common justice would promptly answer in the negative, and would decide that a rational and proper, nay, the only rational and proper exercise of the regulating power in congress, demands the promotion and protection of such modes and facilities of commercial intercourse, (so far as congress have this power,) as will ensure equality to all, and the widest diffusion of commercial advantage. Surely, then, in the absence of all

action on the part of congress, this court should imply no policy or design in that body to fetter or cripple great interests which they are charged with the power and duty to protect. But congress have enacted no regulation whatever in relation to the subject of this controversy; they have not said that bridges should nowhere be erected over the river Ohio; or if erected, what should be their elevation above the water; neither have they declared, upon scientific calculations or upon experiments, or on any data, what shall be the height of the chimneys of steamboats on that river, nor to what degrees, either from their own calculations of improvement in speed, or from fancy or local rivalry, the owners or masters of steamboats on that river may elongate the chimneys of those steamboats. Upon all these matters congress have thus far been perfectly silent. Admitting, then, that the state of Pennsylvania can be regularly before us in the character of a party in interest, this controversy presents to us in truth, simply a comparison between the will and the acts of the parties thereto, and an appeal to this court in the absence of all action by congress—by some rule which it must deduce from the common law of nuisance, to decide upon the comparative merits or demerits of the parties—to decide whether the benefits produced by the Wheeling bridge to the surrounding country, and by its connection with extended lines of travel and commerce, can save it from the character of a nuisance. Or whether its interference in certain stages of water with the chimneys of seven steamboats owned by private individuals, the height of whose chimneys is a subject of much contrariety of opinion, both amongst scientific men and practical builders and captains of steamboats, can so constitute it a public nuisance, and a cause of such direct injury to the legal rights and interests of Pennsylvania, as to justify its abatement by this court.

In the absence of all action by congress in relation to this matter, in the only legitimate mode in which congress could affect it, viz: by commercial regulation, or by some express statutory declaration, the act of one of these parties in the prosecution of their interests must claim intrinsically equal authority with the acts of the other, except so far as they may have some common arbiter by whom both may be controlled. In this case, that arbiter would seem to be either the local sovereignty (the state of Virginia) within whose territory the alleged nuisance is situated, or the United States, through some enactment for the regulation of commerce; but neither of these authorities is involved in this controversy. We have here a suit in the name of Pennsylvania occupying the position of every private suitor, asking the action of this court upon general common law jurisdiction over the subject of nuisances, which jurisdiction the courts of the United States do not possess. Nor is it enough to draw within our cognizance the subject of this cause to affirm merely the competency of congress to legislate upon it, and to refer its decision if they choose to the federal courts. I ask upon what foundation the courts of the United States, limited and circumscribed as they are by the constitution, and by the laws which have created them and defined their jurisdiction, can, upon any speculations of public policy, assume to themselves the authority and

functions of the legislative department of the government, alone clothed with those functions by the constitution and laws, and undertake of their mere will to supply the omissions of that department? Is it either in the language or theory of the constitution that this court shall exercise such an auxiliary or rather guardian and paramount authority? Cannot the legislative department of the government be entrusted with the fulfillment of its peculiar duties? Such an act as this court has been called upon to perform—such an act as it has just announced as its own, is in my opinion virtually an act of legislation, or in stricter propriety, (I say it not in an offensive sense,) an act of usurpation. To rest our authority to adjudicate this matter on the naked proposition just stated, would be to reject the doctrine by this court heretofore most expressly ruled. The case of *Wilson vs. The Blackbird Marsh Creek Company*, 2 Pet., p. 245, seems to be conclusive upon this point. This case presented an instance of an *absolute* obstruction by a dam of a water course navigable by vessels of considerable size, and in which the tide ebbed and flowed. The person who undertook to destroy or injure the dam constructed across this navigable water, was the master of a vessel *regularly licensed and enrolled according to the navigation laws of the United States*; and being sued for a trespass committed in breaking or injuring the dam, he pleaded in justification of his act, the character of the navigable water as a public and common highway for all the citizens of the particular state and of the United States to sail, pass and repass over, through and upon, at all times of the year, at their own free will and pleasure.

Upon comparing this case with the one before us, it is impossible not to perceive, that in many of their capital features they are strikingly similar; may indeed be regarded as identical. In the former case as in this, the water course said to be obstructed was a navigable water; in that case as in this, the *locus in quo* was within the jurisdiction of a state, and the alleged obstruction in each instance an act of state legislation, in exercising the power of internal improvement: in each instance, the right of passage to the extent and in the manner claimed, freely and at will *usque ad coelum*, was in virtue solely of license and enrollment according to the navigation laws of the United States. Now, what said this court upon the foregoing state of the pleadings and evidence? "If congress," said they, "had passed any act which bore upon the case; any act in execution of the power to regulate commerce, the object of which was to control state legislation over those small navigable creeks into which the tide flows, and which abound throughout the lower country of the middle and southern states, we should feel not much difficulty in saying that a state law, coming in conflict with such act, would be void. But congress has passed no such act. The repugnancy of the state law to the constitution is placed entirely on its repugnancy to the power to regulate commerce with foreign nations and among the several states; a power which has not been so exercised as to affect the question. We do not think that the act empowering the Blackbird marsh creek company to place a dam across the creek can, under the circumstances of the case, be repugnant to the power to regulate commerce in its

dormant state, or as being in conflict with any law passed on the subject." This decision at once puts to flight the pretext for interference here to protect and enforce the duties and functions of congress, and equally exposes the fallacy that the grant of a coasting license, of a mere certificate of the domicil of the vessel bearing it; of evidence *prima facie*, of her capacity or tonnage, or of her exemption from suspicion of smuggling or piracy, is a regulation of commerce over every inch of the waters over which in her various excursions she may pass. Just as cogent and tenable is the argument, if argument it deserves to be called, which affirms that the establishment of Pittsburg as a port of entry, its mere designation as a point at which merchandize may be landed, subject to the revenue laws of the United States, is a positive declaration by congress, prescribing the modes of the transportation of such merchandize thither, and defining what shall be held to be an interference with such transportation. Equally, or rather more unsound and untrue is the position, that by the same designation of Pittsburg, congress have declared that vessels propelled by wind or steam, vessels of the greatest capacity, carrying masts or chimneys of illimitable height, *shall* navigate a river, whose ordinary *regimen*, to adopt a term in this record, scarcely affords a channel broad or deep enough for the tacking of a shallop, and for long periods of a few inches only in depth. This attempt from the mere designation of a port of entry, to bring home to congress the absurdities the argument implies, would ascribe to them a practical wisdom much upon a parallel with that of the despot who attempted to confine the Hellespont in fetters, or of him who forbade the approach to him of the ocean tide.

But congress have in truth enacted nothing in relation to the particular subject in issue in this controversy; and we have seen in the explicit declaration of this court in the case from 2 Peters, that not only must there be some positive enactment by congress, but an enactment "the object of which *was to control state legislation* over those navigable creeks into which the tide flows." But again—it has been asserted in justification of the power claimed by the majority of the court, that congress, by adopting the act of the Virginia legislature of December 18, 1789, authorizing the erection of Kentucky into a state, have fully regulated the navigation of the Ohio river. And how is this position sustained by facts? By the 7th section of her act of 1789, Virginia declares that so far as her own territory and that of the proposed state shall extend upon the Ohio, the navigation of that river shall be free for all the citizens of the United States. Congress, by an act passed February 4th, 1791, containing two sections only, (vid. Stats. at Large, vol. 1, p. 189,) *consents* by the 1st section to the proffer of Virginia of the creation of the new state; and by the 2d section, declares, that on the 1st day of June following, the new state, by the name of Kentucky, shall be admitted a member of the Union. These two sections comprise the entire action of congress, from which the position that has been asserted by the majority of the court is deduced. Let us try the integrity of this position by reducing it to the form of a syllogism. The major of that syllogism will consist of the fact, that Virginia, by her law of 1789, has agreed that she and the

newly proposed state will permit the navigation of the Ohio within their respective limits, to all citizens of the United States. Its minor is this; that congress have assented to the permission so declared; the conclusion attempted to be deduced is, *ergo* congress by that assent have completely regulated the navigation of the Ohio, and by inevitable implication ordained, that bridges shall never be thrown across that river, except in absolute subordination to the interests or the will of the owners of steamboats upon that river. This may possibly be logic, irrefragable logic; and the failure to comprehend its consistency may arise from the infirmity of my own perceptions, but I cannot help suspecting that an acumen far surpassing any to which I will lay claim would be puzzled to reconcile this process with the laws of induction as prescribed by Watts, by Duncan or by Kaimes.

The next enquiry naturally arising in this case—an enquiry inseparably connected with the alleged obstruction by the Wheeling bridge as constituting it a nuisance or otherwise—an enquiry equal in magnitude of interest with any other involved—relates to the policy and effects of commercial regulations, as these may tend either to the restriction of commerce within particular channels, or to supplying auxiliaries for its prosecution, or for the promotion of its activity and diffusion by increased facilities, operating a just equality of right and competition and advantage to all. And here it may be premised, that throughout the discussion of this cause, a reigning fallacy has been assumed and urged upon the court—a fallacy which, if successful, may subserve the grasping pretensions of the plaintiff, but which, by an enlightened view of this case, must be condemned as destructive to the extended commercial prosperity of the country.

The error assumed as the basis of the plaintiff's pretensions is this, that commerce can be prosecuted with advantage to the country only by the channels of rivers, and in all the country intersected by the western rivers, only through the agency of steamboats; and hence is attempted the deduction in favor of the paramount privileges of steamboats, and the right claimed for this species of commercial vehicles for exemption from any limit upon the interests or the fancies of those who may own or manage them. It has been a curious and somewhat amusing incident in the argument of this cause, that whenever any restraint upon the management of steamboats (on the Ohio) was intimated, (as necessary for the protection of other essential rights both public and private) the fixed reply of the advocate in opposition has been, that commerce demands these peculiar privileges in the owners and masters of steamboats. An obvious and stricter propriety of argument would have suggested for that reply the following language: Steamboat proprietors, local monopoly, and the peculiar views of interest real or imaginary of the plaintiff, supply the true origin and character of the pretensions here urged: commerce, enlightened, extended, fair, equal, prosperous and beneficial, condemns all such pretensions; she demands that freedom, fairness, competition and equality, which are the true, and only true causes of her prosperity; and which the equalizing power vested by the constitution was designed to ensure.

Commerce in its infancy is of necessity chiefly confined to the channels of water courses. Weakness, poverty, or the absence of art or science, are unable in the earlier stages of society to supply more eligible or efficient modes for its prosecution, or to overcome the difficulties attendant on transportation off the water. Hence we see the rude essays of commerce commencing with the raft, the canoe, or the batteau; but as wealth and population, science and art advance, we trace her operations to the magnificent ship or steamboat, each adapted to its proper theatre. Does not this very progress and the advantages which are their concomitants, glaringly expose the folly and injustice of all attempts at the restriction of commerce to particular localities, or to particular interests, or means of circulation? Are her operations to be confined to a passage up and down the channels of water courses impracticable for navigation for protracted periods, and whose capacity is always dependent on the contributions of the clouds, *aviditas coeli aut niminus imber*? Would not such a narrow policy be a proclamation to commerce, inhibiting her advancement; and to the hundreds of thousands situated without her permitted track, that the wealth, the luxuries and comforts of civilization and improvement, if to be enjoyed by them at all, are to be obtained only at far greater expense and labor, and in an inferior degree than they are enjoyed by more favored classes?

These positions are strikingly illustrated by the experience of our own times, and indeed of a very brief space. Thus, notwithstanding the high improvement in navigation by steam and by sails, which seems to have carried it to its greatest perfection, we see the railroad in situations where no deficiency of water and no artificial or natural obstruction to vessels exists, or is complained of, stretching its parallel course with the track of the vessel, tying together as it were in close contiguity, and connecting in habit and sympathy and interest, remote sections of our extended country, which for any aid that the navigation on our rivers could afford, must ever remain morally and physically remote. The obvious superiority of the railroad, from its unequalled speed, its greater safety, its exemption from dependence upon wind or on depth of water, but above all, its power of linking together the distant and extended regions interposed between the rivers of the country; spaces which navigation can never approach, must give it a decided preference in many respects to every other commercial facility, and cause it to penetrate longitudinally and latitudinally, *longe et late*, the entire surface of the country, unless arrested in its progress by the fiat of this court: for once let it be proclaimed that the rivers of this country shall under no circumstances of advantage to the country be spanned by bridges, at the trivial inconvenience and cost of adapting to their elevation the chimneys of a few steamboats, even if the height of those chimneys had been clearly shewn to be necessary or certainly advantageous, (a problem nowhere solved in this record;) let this I say be proclaimed, and the effect above mentioned is at once accomplished: the rapidly increasing and beneficial system of railroad communication is broken up, and a system of narrow local monopoly and inequality sustained. Whether these things shall now

be done—whether for these purposes the citizens of this country shall be restrained in their social and business relations, and so restrained under the abused and perverted name of commerce—are the questions which this court have been called on to decide, and which in my view they have affirmatively ruled. They are questions too grave, too pregnant with vital consequences, to have been decided upon the speculations of any one man living.

It was with the view doubtless of giving plausibility to the conclusion of the commissioner, or to the strange idea sought to be enforced in argument for the complainant, that commerce signified only a passage up and down the Ohio, that so large a portion of the commissioner's report is taken up in treating in *learned phrase* of the *dynamic* and *static* capabilities of the Wheeling bridge; or translated into plain English, the capabilities of that bridge to sustain heavy bodies in motion and at rest. It does not seem very easy to reconcile this part of the report with the order appointing the commissioner, and prescribing his duties. That order directed the commissioner to ascertain and report whether the Wheeling bridge was in his opinion an obstruction to commerce upon the Ohio; and in the event that he should so regard it, to suggest any alterations by which such obstruction might be remedied.

The *dynamic* or *static* capabilities of the bridge, introduced to our notice with some parade of learning, whether it could support *any* weight either in motion or at rest, were subjects altogether dehors the order of this court, and without the warrant and powers of the commissioner. And this difficulty is in no degree lessened by the fact disclosed in the record, that whilst the commissioner wandered beyond his commission to pronounce upon the capabilities of the bridge for railroad transit, he rejected all the evidence tendered by the defendants to prove the usefulness and importance of the bridge, either to the local population or as a public and commercial facility. This irregularity in the commissioner is of no small significance, as it betrays a bias on his part, however honest, which led him to throw the weight of his opinion against the usefulness of the bridge—a fact entering essentially into its character as being a nuisance or otherwise, and to withhold from this court evidence by which the value of his opinion might have been tested with precision. This same irregularity should have had its effect in warning this court to scrutinize the opinions of the commissioner on matters falling regularly within the scope of his commission. The evidence received and that rejected on this particular point, were perhaps both inadmissible under the terms of the order of this court; but surely it should have been either wholly admitted or rejected on both sides.

And this brings me to the last branch of enquiry which I have proposed to treat, viz: the character of the erection complained of, the regularity of the mode of redress proposed, and the right of the complainant to claim the interference asked for in any mode? First, then, can the Wheeling bridge, according to any correct acceptance of the term, be regarded as a nuisance? This enquiry is answered by the solution of another, which is simply this: Is that bridge injurious to the rights and interests of the public or of individuals, beyond

the benefits that its erection confers on both? Common sense and consistency assure us, that to pronounce that to be a wrong and an injury which is in reality beneficial, involves a plain absurdity; and the language of legal definition fully sustains this conclusion of common sense; for, according to such definition, there must be the hurt, the *nocumentum*, the *commune nocumentum*, the injury to the public right, to constitute it a public nuisance; for admitting the fact of injury by any act, still, if in its origin, character and extent it is essentially private, it may be trespass or some other form of injury, but not the public offence of nuisance. This position implies no denial of the right to shew a private injury resulting from a public nuisance; it insists only upon the necessity of shewing, where special or private injury is alleged as flowing from a nuisance, that nuisance in reality exists. This forces back upon us the enquiries into the nature of the offence of nuisance; and when ascertained, against what public authority it has been committed? I have said, that upon the plainest principles of common sense, no act in reference to the public, by which a public benefit is conferred, can be denominated a nuisance, and I insist that the rules and conclusions of the law are in accordance with this proposition. These are forcibly stated in the case of the *King vs. Russell*, 6 Barn. & Cress., particularly by Bayley, Justice, beginning at page 593 of the volume. That was the case of an indictment for a nuisance by the erection in the river Tyne of a peculiar wharf or staging called giers or *staiths*, for the purpose of loading coal on board ships in the Newcastle trade. The questions before the King's Bench arose upon the charge of Bayley, Justice, who tried the case at Nisi Prius, where his charge concluded in the following terms: "Thus, gentlemen, I apprehend I have pointed out to you the true ground on which your verdict is to be founded. If you think this (that is the wharf or staith) is placed not on a reasonable part of the river, that it does an unnecessary damage to the navigation, or that this is not of any public benefit, or that the public benefit resulting from it is not equal to the public inconvenience arising from it, then you will find a verdict for the crown; if on these points you are of a different opinion, then for the defendants." This charge of Sir John Bayley was sustained in bank.

The reasoning in support of that charge by that able judge, is given more at length than can be conveniently inserted here, but it presents a commentary upon this question so lucid, so entirely conclusive, that I cannot forbear to extract a portion of it, as illustrating much better than I have power to do, the doctrines for which I contend. "I submitted," says Sir John Bayley, (page 594,) "to the consideration of the jury, that if by means of these staiths, an article of great public use found its way to the public at a lower price, and in a better state than it otherwise would, I thought these were circumstances of public benefit, and points they might take into their consideration upon that head; and upon the best attention that I have been able to give the subject, I am bound to say I continue of that opinion. The right of the public upon the waters of a port or navigable river is not confined to the purposes of *passage*—trade and commerce are the chief objects,

and the right of passage is chiefly subservient thereto. Unless there are facilities for loading and unloading of shipping and landing, much of the public benefit of a port is lost. In the infancy of a port, when it is first applied to the purposes of trade and commerce, unless the water by the shore be deep, the articles must be shipped in shallow water from the shore, and landed in shallow water on the shore. Breakage, and pilferage, and waste, besides the expense of boating, are some of the concomitants of such a mode. As trade advances, the inconvenience and mischief of this mode are superseded by the erection of wharves and quays, and what is perhaps an improved species of loading wharf, a *staith*. But upon what principle can the erection of a wharf or staith be supported? It narrows the right of passage. It occupies a space where boats before had navigated. It turns part of the water way into solid ground; but it advances some of the purposes of a port, its trade and commerce. Is there any other legal principle upon which they can be allowed? Make an erection for pleasure, for whim, for caprice, and if it interfere in the least degree with the public right of passage, it is a nuisance. Erect it for the purpose of trade and commerce, and keep it applied to the purposes of trade and commerce, and subject to the guards with which this case was presented to the jury, the interests of commerce give it protection, and it is a justifiable erection and not a nuisance." In accordance with this doctrine, has the law been propounded by the supreme court of New York in the case of the *People v. The Ransselaer and Saratoga Railroad Company*, reported in the 16th of *Wendell*, page 118. That was a prosecution against the company for placing abutments and piers in the bed of the Hudson river, and erecting a bridge across it, being a public navigable river. In delivering the opinion of the court the law of the case is thus stated by Savage, chief justice, pp. 132, 133 of the volume above mentioned. "I think I may safely say, that the power exists somewhere to erect bridges over waters which are navigable, if the wants of society require them, provided such bridges do not essentially injure the navigation of the waters they cross. Such power certainly did exist in the state legislatures before the delegation of power to the federal government by the federal constitution. It is not pretended that such a power has been delegated to the general government, or is conveyed under the power to regulate commerce and navigation; it remains then in the state legislatures, or it exists nowhere. It does exist, because it has not been surrendered any further than such surrender may be qualifiedly implied, that is, the power to erect bridges over navigable streams must be so far surrendered as may be necessary for a free navigation upon those streams. By a free navigation must not be understood a navigation free from such partial obstacles and impediments as the best interests of society may render necessary."

In conformity with the doctrines above quoted, and in support of the views here contended for, I might confidently appeal to the language of the judge by whom the decision of this court has just been announced, on another occasion most explicitly and emphatically declared. Thus, in the case of *Palmer v. The Commissioners of*

Cuyaga County, which was an application for an injunction to prevent the construction of a draw bridge over the Cuyaga river, upon the ground that it would obstruct the navigation of the river, that judge in refusing the application, announces the following as I conceive unanswerable conclusions: "A toll charged for the improvement of the navigation, would not be a tax for the use of the river in its natural state, but for the increased commercial facilities. A draw bridge across a navigable water is not an obstruction. As this would not be a work connected with the navigation of the river, no toll it is supposed could be charged for the passage of boats. But the obstruction would be *only momentary*, to raise the draw; and as such a work may be very important in the general intercourse of the community, no doubt is entertained, as to the power of the state to make the bridge. It is one of those general powers possessed by a state, for the public convenience, and may be exercised, provided it does not infringe upon the federal powers." These positions require no comment from me—they commend themselves by their obvious propriety and reasonableness. I would simply remark in connection with these positions, and as warranted by them, that any obstruction by the Wheeling bridge is of course contingent and not certain; that even were it *certain*, under the present elevation of the bridge, this difficulty might be prevented, at a comparatively small expense and inconvenience, by lowering when necessary the chimneys of a few steamboats for the purpose of safe and speedy passage—that this operation, like the raising of a draw, would be *only momentary*—and as, to use the language of the judge, the Wheeling bridge "may be a work of great importance in a general intercourse," no doubt is entertained as to the power of the state to make the bridge. It will be admitted, I presume, that the Ohio can claim no higher privileges than those appertaining to other navigable rivers.

It follows, then, from these adjudications, not less than from the principles of common sense, that the conclusion, nuisance or no nuisance, is dependent solely upon the character of the act complained of as being noxious or beneficial to the public, and that the ascertainment of that character where it is doubtful upon the circumstances, or where it is positively *denied*, is regularly an investigation of fact to be made and settled except under circumstances of peculiar urgency, by the established proceeding of the common law in relation to all questions of fact, a trial by jury. This is the doctrine of Lord Hale in reference to this very subject of obstructions in navigable waters, as quoted from his Treatise *De Portibus*, where it is said by that venerable judge, that "the case of building into the water where ships or vessels might formerly have ridden, whether it be nuisance or not nuisance, is a question of fact." I will not here deny, nor is it necessary in any view to deny, that a court of equity will prevent by injunction the creation of a private injury in the nature of a nuisance, or the continuation of such an injury in a case proper for its jurisdiction. Thus, where an individual or private person is about to perform an act, or has performed an act, which is palpably and notoriously in its character a nuisance, from which private and *irreparable injury* will

ensue to others, or has accrued to others, and will continue, a court of equity, upon the admitted or notorious character of the act from which the private injury is shewn to proceed, and from the irreparable character of that injury, will interpose by injunction to relieve the party injured. Such is the principle ruled by Lord Eldon in the case of the Attorney General *vs.* Cleaver, 18th Vesey 211; which was upon an information by *private persons* for private injury, though in the name of the attorney general; and by the same judge in the case of Crowder *vs.* Tinkler, in the 19th Vesey 616. Such, also, I understand to be the rule laid down by this court in the case of the City of Georgetown *vs.* the Alexandria Canal Company. These cases all proceed upon the grounds of the ascertained character of the act complained of on the one hand, and of the private and irreparable nature of the injury shewn on the other.

This is as far it is believed as the courts of equity have ever proceeded. They have never said that where the act complained of was dubious in its character, as being a nuisance or otherwise, and where that fact was a matter of contestation, they would assume jurisdiction *a priori*, or without sending the question of nuisance to be tried at law, but have ruled the reverse of this; and in the cases just quoted from Vesey, Lord Eldon declared that he would not decide those cases until the equivocal or contested fact was settled at law. Again, it is ruled in the cases above quoted; and in many others which might be adduced, that although the courts of equity will, in order to prevent *irreparable* private injury, interpose by way of injunction, that where the *abatement* of a *public nuisance* is the purpose in view, as that is an offence against the government, the attorney general must be a party to any proceeding for such a purpose. In this case the act complained of, if a nuisance, is a public nuisance, and is so denominated upon the record, and by the decision of the majority. Its character, however, as a nuisance in any sense is denied, and much testimony has been taken by both parties upon this contested question. The interests of Pennsylvania, who stands here in the relation of a private suitor, and the alleged injury to her private interests, are the sole foundation on which she has sought here the abatement of what she has asserted to be a *public nuisance*. And without the participation of any representative of the sovereignty either of the state or federal government—without the agency of the attorney general of the state or of the United States—without the reference to a jury of any of the contested facts of this case—this court in the professed exercise of original equity jurisdiction, upon affidavits, and upon the opinion of a single individual who has been by this court constituted the arbiter of all questions of public policy, of law, of science, and of art, and of the competency and credibility of all the testimony in the case, have decided upon the act complained of with reference to its influence upon the rights and powers both of the United States and upon the local sovereignty; upon the rights and interests of the complainant in the matter in controversy, and upon the extent of the injury, if any, done to those interests. They have upon the same grounds, and in the like absence of the legal representative of either the state or federal sove-

reignty, directed a great public work, disapproved by neither of those sovereignties, and by one of them expressly authorized and approved, to be in effect demolished.

I do not deem it necessary, if it were practicable, to examine here in detail the cumbrous mass of statement and speculation heaped together on this record. Such a task is not requisite in order to test the accuracy of the decision pronounced in this case, or to sustain the objections to which that decision is believed to be palpably obnoxious. Both these objects appear to me to be attained by regarding the character of the case as described by the plaintiff herself, and the nature and manner of the proceeding adopted by the court as a remedy for the case so presented. I will give succinctly, however, the results to which, in my view, the court should have been led by the facts of the case, and to which an industrious examination at least of the testimony has conducted my mind. Before this, however, I must be permitted to point out a striking inconsistency between the alleged ground of jurisdiction in this cause as set forth in the pleadings, and the conclusion to which the court has been carried, and the reasons they have assigned for their conclusion.

It will be remembered, that the ground of jurisdiction insisted upon in this case, is the injury alleged to have been done to the *state of Pennsylvania*, as a private suitor—*her peculiar interest alone* and none other—for none other could give jurisdiction to this court under the constitution—yet nothing is more obvious than that the whole argument of the court is founded upon the injury inflicted by the bridge upon the owners of certain steam packets, and upon the trade of Pittsburg. Calculations are gone into at length, to shew what number of passengers and what amount of freight are carried by these particular packets—how much they would lose by being deprived of this business, or by being subjected to the inconvenience and cost of lowering their chimneys, and how much the business of Pittsburg would be injured by the obstruction complained of. Thus the true character of this cause is betrayed in the very argument and conclusions of the court. The name and alleged interests of Pennsylvania as a *private suitor*, are used to draw to this court jurisdiction of this cause; but no sooner is that jurisdiction allowed in the name of Pennsylvania, than she, and any peculiar or corporate interests she was said to possess, are at once lost sight of, and those of the steamboat owners, and the local interests of Pittsburg alone are enforced.

The results above alluded to are as follows: 1st. That the conflicting opinions of those who have been called as men of science to testify in this cause, establish nothing conclusively, much less ascertain the theory contended for, that for purposes of economy, of rapid combustion of fuel, or for the generation and escape of steam, an extraordinary height of chimney is necessary; but leave it doubtful whether the elongation of chimneys beyond a certain altitude, is not calculated to retard the escape of heated air and smoke, and also to cause inconvenience and danger to the boats that carry them. 2nd. That amongst the practical men, consisting of those who have experience in constructing boats, and boilers, and other steamboat machinery, and

also in commanding steamboats on the western rivers and elsewhere, the preponderance for several reasons mentioned by them is against the extraordinary height of chimneys. 3rd. That the cost incident to such a construction of chimneys (supposing this great altitude to be advantageous) as to admit of their being lowered, and the delay and hazard of lowering them, are subjects of minor import; have been greatly exaggerated in the statements of some of the witnesses, and should not be weighed in competition with an important public improvement, itself a valuable and necessary commercial facility, and cannot convert such a work into a public nuisance, or in any correct sense an obstruction to navigation. 4th. That the commissioner erred in yielding to speculation and theory, rather than to practical knowledge and experience, and to the statements of witnesses in some instances whose local position was calculated, though it may have been honestly and unconsciously, to influence their feelings and their judgments.

With regard to the right of the plaintiff to ask the abatement of the Wheeling bridge as a nuisance, by *any mode* of proceeding, I will here add another remark which has in some degree been anticipated in preceding views in this opinion; and it is this: A nuisance, to exist at all, and emphatically a public nuisance, must be an offence against the public, or more properly against the government or sovereignty within whose jurisdiction it is committed. In the case before us, that sovereignty and that jurisdiction reside either in the commonwealth of Virginia or in the federal government. If in the former, she has expressly sanctioned the act complained of, consequently no nuisance has been committed with respect to her. If the sovereignty and jurisdiction be in the United States, it is a *limited and delegated sovereignty*, to be exerted in the modes and to the extent which the delegating power has prescribed. There can be no other in the government of the United States, none resulting from the principles of the common law, as inherent in an original and perfect sovereignty. There then can be no nuisance with respect to the United States, except what congress shall in the exercise of some constitutional power declare to be such; and congress have not declared an act like that here complained of, to be a nuisance. Upon the whole case, then, believing that Pennsylvania cannot maintain this suit as a party by any just interpretation of the 2nd section of the 3rd article of the constitution vesting this court with original jurisdiction—believing that the power which the majority of the court have assumed cannot in *this case* be correctly derived to them from the competency of congress to regulate commerce between the several states—believing that the question of nuisance or no nuisance is intrinsically a question of fact, which when contested ought to be tried at law upon the circumstances of each case, and that before the ascertainment of that fact, a court of equity cannot take cognizance either for enjoining or abating an act alleged, but not proven to be nuisance—seeing that the commonwealth of Virginia within whose territory and jurisdiction the Wheeling bridge has been erected, has authorized and approved the erection of that bridge, and the United States, under the pretext of whose authority

this suit has been instituted, have by no act of theirs forbidden its erection, and do not now claim to have it abated—my opinion, upon the best lights I have been able to bring to this case, is, that the bill of the complainant should be dismissed. From these convictions, and from the sense I entertain of the almost incalculable importance of the decision of the majority of the court in this case, I find myself constrained solemnly to dissent from that decision.

[DOC. No. LI.]

CONDITION

OF

THE BANK OF VIRGINIA.

1852.

EXECUTIVE DEPARTMENT,
March 6, 1852.

To the Speaker of the House of Delegates.

SIR,

I have the honor to communicate herewith, to be laid before the house of delegates, the quarterly statement of the condition of the Bank of Virginia on the 1st of January last.

Very respectfully,

Your ob't serv't,

JOS. JOHNSON.

!

BANK OF VIRGINIA,
Richmond, Jan. 14, 1852.

SIR,

I transmit herewith, as required by law, the quarterly statement of the condition of the Bank of Virginia as it existed on the 1st instant.

I am,

Very respectfully, Sir,

Your ob't serv't,

SAM'L MARX, *Cashier.*

To his Excellency JOSEPH JOHNSON,
Governor of Virginia.

General State of the Bank of Virginia and Branches

| | 1851, January 1. | 1852, Jan'y 1. |
|--|----------------------|-------------------|
| Outstanding debt, - - - - | 4970910 93 | 4833255 42 |
| Real estate, - - - - | 162227 35 | 168052 06 |
| Sterling bills, - - - - | - | 14785 04 |
| Stocks, - - - - | 143044 00 | 136906 00 |
| Specie, - - - - | 833406 38 | 759615 56 |
| Notes and checks on other banks, - - - - | 124287 78 | 124135 91 |
| Due from other banks, - - - - | 325589 65 | 266028 12 |
| Defalcation at Lynchburg, - - - - | 40381 37 | 14683 89 |
| Balances in transitu, - - - - | 2854 79 | 14980 07 |
| State of Virginia—advances on stock, - - - - | 79600 00 | |
| | <u>\$ 6682302 25</u> | <u>6332441 07</u> |

| | |
|--|---------------------|
| Of the outstanding debt there is estimated as bad, - - - - | 7,977 16 |
| As doubtful, - - - - | 54,030 20 |
| | <u>\$ 62,007 36</u> |

| | |
|--|----------------------|
| Of the notes and checks of other incorporated banks, there are payable in the state, - - - - | 115,829 73 |
| Out of the state, - - - - | 8,246 18 |
| | <u>\$ 124,075 91</u> |

| | |
|---|------------------------|
| Amount of exchange furnished by the bank and branches in checks on other states, for the quarter ending 1st January 1852, - - - - | \$ 1,428,595 89 |
| Amount that has accrued for premiums thereon, - - - - | 4,147 46 |
| | <u>\$ 1,432,743 35</u> |

| | |
|--|----------------------|
| Amount to the credit of profit and loss on 1st January 1852, - - - - | 328,902 72 |
| Dividend declared, payable 8th inst., including bonus to the state, $4\frac{1}{2}$ p. c. - - - - | 109,688 25 |
| Leaving a surplus fund of - - - - | <u>\$ 219,214 47</u> |

on 1st January 1852, compared with 1st January 1851.

| | 1851, Jan. 1. | 1852, Jan. 1. |
|---|----------------------|-------------------|
| Capital stock, - - - - - | 2550870 00 | 2580000 00 |
| Profit and loss, - - - - - | 327722 26 | 329902 72 |
| Discounts, interest, &c. at offices since 1st December, - | 11453 17 | 12802 63 |
| Circulation, - - - - - | 2339940 85 | 2101657 57 |
| Due to other banks, - - - - - | 115084 67 | 190693 17 |
| Deposit money, - - - - - | 1337231 30 | 1117484 96 |
| | <u>\$ 6682302 25</u> | <u>6332441 07</u> |

Denomination of Notes in Circulation.

| | |
|---|------------------------|
| Ones and twos, - - - - - | 10,802 00 |
| Fives, - - - - - | 305,680 00 |
| Tens, - - - - - | 625,310 00 |
| Fifteens, - - - - - | 17,610 00 |
| Twenties, - - - - - | 652,490 00 |
| Fifties, - - - - - | 245,050 00 |
| Hundreds, - - - - - | 376,900 00 |
| Post notes, - - - - - | 4,649 83 |
| | <u>2,238,491 83</u> |
| Deduct notes on hand of bank and branches, and cut notes, - | 136,834 98 |
| Total circulation, - - - - - | <u>\$ 2,101,657 57</u> |

BANK OF VIRGINIA, January 9th, 1852.

We, the undersigned, directors of the Bank of Virginia, do hereby certify that we have examined the foregoing statement, and believe the same to be truly and correctly made.

JAMES CASKIE,
ARCH'D THOMAS,
WM. GRAY,
THOMAS H. ELLIS,
THO. R. PRICE,
ALFRED T. HARRIS.

STATE OF VIRGINIA :
City of Richmond, set :

This day Samuel Marx, cashier of the Bank of Virginia, personally appeared before me, an alderman for said city, and made oath that the foregoing statement exhibits the true condition of the Bank of Virginia, as it existed on the 1st instant, to the best of his knowledge and belief.

Given under my hand this 14th January 1852.

JOHN J. LONDON, J. P.

[DOC. No. LII.]

REPORT

OF THE

COMMITTEE OF PRIVILEGES AND ELECTIONS

RELATIVE TO

THE CONTESTED ELECTION

FROM

THE COUNTY OF SMYTH.

1852.

REPORT.

The committee of privileges and elections have, according to order, had under consideration the petition of Thomas L. Preston, to them referred, contesting the election of Hiram A. Greever, the delegate returned to serve in the present general assembly from the county of Smyth; and having received a letter from the contestant in the following words:

“RICHMOND, Feb. 28, 1852.

Col. HARRISON B. TOMLIN,

Ch'n Com'ee of Privileges and Elections.

DEAR SIR,

I heard yesterday, through a letter received by Col. H. A. Greever, that, after purging the polls taken in Smyth county at the last election, it was ascertained he had a majority of the legal votes. This fact, so contrary to the impression of my friends, (upon whose information I acted,) has determined me not to prosecute the contest, as upon it I desired the issue should be decided.

The legal informalities were sufficient, in my judgment, to have set aside the election; but I have no inclination to oppose the will of a majority, however small, of the voters of the county.

Very respectfully,

Your obedient servant,

THOS. L. PRESTON.”

Upon consideration thereof, the committee have adopted the following resolution:

Resolved, That the committee of privileges and elections ask to be discharged from the further consideration of the said petition.

[DOC. No. LIII.]

COMMUNICATION

RELATIVE TO A

MODIFICATION OF THE DESIGN

OF THE

WASHINGTON MONUMENT.

1852.

EXECUTIVE DEPARTMENT,
March 9, 1852.

To the General Assembly of Virginia.

I herewith submit a communication from Robert Mills, Esq., architect of the Virginia Washington monument, proposing a modification of the design thereof, and respectfully ask for it your earliest attention.

Very respectfully,

Your ob't servant,

JOS. JOHNSON.

COMMUNICATION.

RICHMOND, VA., Feb. 22, 1852.

DEAR SIR,

The monument to "The Father of his Country" having reached that point in its construction when it is necessary to determine the character of its superstructure, I would respectfully call your attention to that character of finish (as architect of the work) I have recommended as being demanded, to give respect and dignity to the monument, rather than that finish originally contemplated. The drawings accompanying this letter will exhibit the two modes of finish projected as the *termini* of the monument.

That you may be able to form some opinion of the two designs, I will briefly describe their characters.

I. The original design (A) contemplates a structure 50 feet high, the *terminus* being an *equestrian* group representing Washington on horseback, elevated on a high pedestal, at the foot of which is a group of *pedestrian* figures which *surround* the base. The objections to the *termini* to this monument, dedicated not only to the illustrious *Washington*, but *six* of his *compeers* in the glorious struggles of the Revolution, (sons of Virginia, the mother of states,) are as follows:

First—Its *deficiency* in *elevation*, which is an essential quality in a monument of this dignity. The height given to this structure (50 feet) throws its summit *below the eaves* of the *capitol*, which it adjoins; consequently, the whole work would be *hid from public view* in this *direction*, and the loftiness of the trees about in the other directions will nearly obscure it altogether.

Second—The *position* given relatively to the two distinct groups of figures introduced here is *degrading* to the character of the *one*, while it erroneously exalts the other group. To the *stranger* visitor the pedestrian figures surrounding the equestrian base give the idea of *menials* in waiting upon the great personage on horseback above. This is out of character in *truth*, and never should disgrace this monument. But independent of this *moral* view of the subject, the inconsistency of elevating and placing a horse and rider at such a height, as displayed in this drawing, must be manifest to every mind looking upon the exhibition. These, sir, are some of the objections to the character of this design, and which induced me, as the architect of the work, to propose a *modification* of the plan, which should rectify these objections and defects, and give to *Virginia* a monument which shall *honor* her in the eyes of the world, and hand down to

posterity her appreciation of the exalted worth of those illustrious men whose statues and names are sculptured on the monument.

II. The modified plan (B) represented in the drawing, proposes to terminate the present structure by a *granite column* 76 feet high, surmounted by a colossal statue of *Liberty* on its appropriate pedestal, making the entire altitude of the monument *one hundred and twenty feet*, and *fifty feet above the capitol*, thus towering above all obstructions; open to the view from every point around its base, thus designating to the traveler the *location of the Washington monument*.

The position given to the *equestrian group*, with its pedestal in this design, is *adjoining the base of the monument*, on the *same plane* with the *pedestrian group*. This perfects the harmony subsisting between these two groups of figures, giving or placing, each in its *appropriate place* on the monument.

The *pedestrian group* surrounding the foot of the *column*, which is here designated the *Column of the Revolution*, is encircled with 13 *shields*, representing the glorious 13 states that joined the federal compact, and established the independence of our country.

If these *pedestrian figures* are to form a part of the composition of this design, then the *position* given them here is the only *appropriate one*, giving a *character* to their act. For the position given the *equestrian group*, we have a beautiful *precedent* in the *monument* erected at Rome to Aurelian and Verus.

The *capital crowning the column* bears the *American ensign*, as its chief decoration, festooned and sweeping round the column, held up by the *American eagle* on each front.

These, sir, are the main features of this modification of the design, and which I would respectfully recommend for approval.

I submitted them the last year to his excellency the late governor of the state, who was charged with the monument operations, with his approval. What is wanting to perfect the act is the approval of the legislature, with the approbation of your excellency.

Respectfully submitted.

ROBT MILLS,
Arch't V. W.-Mt.

His Excellency JOS. JOHNSON,
Governor of Virginia.

[DOC. No. LIV.]

MINORITY REPORT

OF THE

COMMITTEE OF ROADS & INTERNAL NAVIGATION

RELATIVE TO A

RAILROAD TO THE OHIO

FROM THE

BALTIMORE AND OHIO RAILROAD.

1852.

1911

1912

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9

•

•

1913

1914

REPORT.

The committee of roads and internal navigation, to whom was referred the application of citizens of Wetzel, Tyler, Marshall and Marion counties, for the passage of an act to incorporate a company, subject to the railroad laws of Virginia, to construct a railroad from the Baltimore and Ohio railroad at or near Mannington in the county of Marion to the Ohio river at or near New Martinsville in the county of Wetzel, through the chairman, reported adversely to said application. The undersigned, members of said committee, from a sense of justice to the applicants for said act of incorporation, respectfully submit, with permission, the following, in the character of a minority report:

They respectfully state, that at the time the vote was taken in committee as to whether a bill should be reported, there were only eight members of the committee present, four of whom voted for, and four, including the chairman, voted against reporting a bill. The application was elaborately argued by its friends and opponents before the committee; and the undersigned, after carefully weighing all the arguments and evidence adduced, came to the conclusion that the application was not unreasonable, and that the committee ought to report a bill, and accordingly so voted. They have not yet seen, in their judgment, any sufficient cause to change their opinion.

The arguments used before the committee to shew why a bill should not be reported, and that the prayer of the petitioners should not be granted, were substantially the following, viz:

First—That if the charter asked for should be granted, the Northwestern railroad from Parkersburg in Wood county, to the Baltimore and Ohio railroad at Threefork in the county of Taylor, would never be made.

Secondly—That during the session of 1850-'51, there was a compromise made between the parties by the passage of the acts incorporating a company to construct the Northwestern railroad, and the incorporation of a company to extend the Hempfield railroad through Virginia to the city of Wheeling, and that the compromise should not be disturbed.

Thirdly—That if the charter asked for should be granted, the Baltimore and Ohio railroad would not be made from Mannington to the city of Wheeling.

Fourthly—That if the proposed road should be made, it would prejudice the interests of the city of Wheeling, and probably prevent the construction of the Hempfield railroad.

Fifthly—If the prayer of the petitioners should now be granted, it might have the effect of diverting the Central Ohio railroad from Wheeling to New Martinsville, and that the charter should not be granted until the last named railroad should be constructed to Wheeling.

Not arguing for the present whether these objections, if supported by evidence and a well grounded apprehension, would be sufficient reason to reject the prayer of the petitioners, we regard them as being entirely suppository, and destitute of sufficient foundation or evidence to support them. We deem it proper, however, to give these objections a more extended answer than the mere denial of their being sufficiently supported; and in doing so, we will consider them separately.

The First Objection considered.

Mannington is said to be about 40 miles northwest of the mouth of Threefork, and about 60 miles southeast of Wheeling—New Martinsville 55 miles north of Parkersburg and 40 miles south of Wheeling. From the mouth of Threefork to Parkersburg it is 115 miles by the route of the Northwestern railroad, and from Mannington to New Martinsville it is 40 miles. Thus it will be seen, that from the mouth of Threefork to Parkersburg, by way of Mannington and New Martinsville, it is 135 miles, which is 20 miles further than by the route of the Northwestern railroad. It is a fact well known, that the Baltimore and Ohio railroad company have heretofore, on more than one occasion, asked the legislature of Virginia to grant said company the right of way through Virginia to the Ohio river, as far down as Parkersburg, and that it has ever been the desire of the company to construct their road through Virginia to Parkersburg. It is also notorious that it is not only the interest but the cherished desire of the city of Baltimore to connect herself with Cincinnati by the shortest and most direct line of railroad, to enable her to compete with the cities of Philadelphia and New York for the trade of the great and growing Mississippi Valley. By reference to the map it will be seen that Parkersburg is in a direct line with Baltimore and Cincinnati. By the line of the Northwestern railroad, the company to construct which is organized, it is admitted to be more than 20 miles nearer from Baltimore to Cincinnati than by way of Mannington and New Martinsville. The shortest route and the greatest speed from point to point are at this day considered paramount objects to be achieved. But we are not left entirely to this kind of reasoning and arguments from which to draw our conclusions. Mr. Latrobe, who is the chief engineer of the Baltimore and Ohio railroad, is also chief engineer of the Northwestern railroad, which fact of itself argues something. But to come to the point directly—the president and directors of the Baltimore and Ohio railroad in their last annual report use the following language relative to the Northwestern railroad and the future policy of the city of Baltimore, &c. viz: “It is a source of gratulation that, in the midst of the preparations now going forward to compete for the western trade

and travel, the city of Baltimore has been placed in a position, under the recent legislation of Virginia, by the adoption of the Northwestern charter and the construction of the important line of road which it contemplates, to defy all competition, and to offer facilities greater than those of any other road connecting the Great West and the Valley of the Mississippi with the Atlantic seaboard.

"The city of Baltimore has already evinced her appreciation of this most important charter, by an application to the legislature for authority to subscribe to the capital stock of the company; and this board would urge that this subscription on the part of the city be met by a loan to the Northwestern company of the bonds of this company, to whatever extent may be required in furtherance of this object, as soon as their own work shall have been completed to the Ohio river. With the combined aid of the city of Baltimore and this corporation, it is not doubted that the results of this great improvement may be realized at an early day."

With this information and all these facts, what, we ask, is there to support the first objection? Would it be right or even just to withhold from a patriotic and numerous community the privilege of constructing a railroad with their own money which will add to the wealth and prosperity of their section of country, upon vain and unfounded conjecture?

The Second Objection considered.

The Baltimore and Ohio railroad applied to the legislature of Virginia to construct their railroad through Virginia to the Ohio river at any point north of the mouth of the Little Kanawha river. To the granting of this application Wheeling objected—Parkersburg favored the application with zeal and energy—but the legislature from some cause rejected the application and required the company to construct its road to the city of Wheeling. Very soon after this was done, and after the Baltimore and Ohio railroad company accepted the provisions of the law requiring the company to construct the road to Wheeling, the Parkersburg people and others along the line of the Northwestern railroad petitioned the legislature to pass an act incorporating a company to construct a railroad from Parkersburg to Threefork. The last named application was strenuously resisted by Wheeling. Finally, however, the friends of the Northwestern road and the representatives from the city of Wheeling came to an understanding, by which Wheeling withdrew her opposition to the Northwestern road, and the friends of the Northwestern road agreed to support the proposition for the extension of the Hempfield road. To this argument or arrangement the parties asking for the charter under consideration were not parties, and therefore cannot be bound by it, or their rights thereby prejudiced in the least.

Third Objection considered.

The granting of the charter asked for will no more tend to prevent the construction of the Baltimore and Ohio railroad from Mannington

to Wheeling, than the granting of the Northwestern charter will tend to prevent the construction of the Baltimore and Ohio railroad from the mouth of Threefork to Wheeling. This we regard a sufficient answer to this objection. But in case some might not be satisfied with this answer, we further add, that the Baltimore and Ohio railroad company is bound by solemn contract to construct the railroad to Wheeling, and the road is now and has been under process of construction the entire distance between Threefork and the city of Wheeling at a great expense and outlay of money for more than 12 months; and to disperse all doubts, the friends of the measure propose to incorporate into the bill a proviso that the road is not to be used until the Baltimore and Ohio railroad is completed to Wheeling.

The Fourth Objection considered.

Wheeling in many respects has been the object of peculiar favor with the legislature. She has obtained at the hands of the legislature every important bounty or privilege she has asked. This cannot be said of many localities in the state. In fact almost everything has been done that can be done by legislative enactment to conduce to the welfare and prosperity of Wheeling. While we cheerfully concede to Wheeling every legitimate right or claim she may have to legislative protection, we humbly conceive that there are other localities, neighborhoods or parts of the state equally deserving and equally entitled to be encouraged, protected and fostered by the government. We are proud to know and feel that no section or locality in the state is entitled to exclusive rights or privileges. As the legislature compelled the Baltimore and Ohio railroad company to construct their road to Wheeling, and give to the citizens of Wheeling the privilege of extending the Hempfield railroad to their city, and granted the charter for the Northwestern railroad, we conceive that equality and justice demand the granting of the charter now asked for. And it is evident that no injury to the interests of Wheeling or Parkersburg can result therefrom, except those places are susceptible of injury from the creation of such competition between railroads and corporations in that section of the state as will save the people from extortion and imposition, and be promotive of public good. The interests of the country and country villages, as well as the cities, should be consulted.

We are also unable to perceive how the granting of the proposed charter will prevent the construction of the Hempfield railroad, even if that road when constructed would benefit Virginia more than the proposed railroad. The Hempfield railroad is a branch of the Central Pennsylvania railroad which leads to Philadelphia, and the same strong reasons operate on Philadelphia to complete the Hempfield road that induces Baltimore to desire and assist with her money in the construction of the Northwestern road. The completion of the Hempfield railroad will give Philadelphia the shortest route she can command by railroad to Cincinnati, and the people of Philadelphia are now directing their energies to the accomplishment of this object.

Fifth Objection considered.

This objection, we conceive, is entirely founded upon vague conjecture, and is without evidence to support it. In fact, the Central Ohio railroad, which is now under construction to Zanesville, will probably be completed during the present year to that point, and the company constructing the road, on the 14th of February 1852 unanimously adopted the following resolution, viz: "*Resolved*, That the president be instructed to cause sufficient notice to be published, that the line of the Central Ohio railroad between Zanesville and the Ohio river at or near Wheeling, will be open for review by the 15th of March, and for contract by the 1st of April next: *Provided*, The commissioners of Muskingum, Guernsey and Belmont, and the corporate authorities of the city of Wheeling shall, previously to that time, have issued their bonds in payment of the capital stock authorized to be made by said counties and city of Wheeling, so as to enable the company to negotiate the same in due time for payment to contractors."

Thus, instead of the objection being sustained by evidence, all the evidence and facts disprove it.

Having now disposed of the objections, we further give it as our opinion, that the granting of the proposed charter and the construction of the railroad will be of great public utility in many important respects not necessary here to enumerate.

The applicants for the charter ask for no money from the public treasury, but a simple privilege, upon the granting of which may depend the best interests of their fertile section of the country. We think that each railroad constructed in the state will add to its prosperity and greatness. The construction of the Hempfield railroad and Northwestern railroad will necessarily greatly injure if not destroy the Baltimore and Ohio railroad between Threefork and Wheeling, by depriving it of trade and tonnage, and the construction of the proposed railroad will necessarily assist in supporting and keeping it up, and bring a considerable amount of trade and travel to Alexandria and Richmond in future time, which would otherwise go to increase the trade and wealth of the city of Philadelphia.

Under these considerations, we have agreed upon the following resolution, and respectfully, and with due deference to the opinions of the other members of the committee who voted on the proposition, submit it for consideration, and as a substitute for the report already submitted:

Resolved, That it is expedient to grant the charter asked for.

J. S. DAVISON,
SAML. DOWNING,
SAML. CARPENTER,
WM. G. STEVENS.

[DOC. No. LV.]

REPORT OF SPECIAL COMMITTEE

APPOINTED TO EXAMINE THE

SCALES FOR WEIGHING LIVE STOCK

IN THE

CITY OF RICHMOND.

1852.

REPORT.

1st. We examined the scales and found them in good order, and in as good condition as the circumstances in relation to them would admit of. The location being in a very damp place, immediately adjoining Bacon Quarter branch, and the quantity of land belonging to the state about half an acre, the water has undermined the fence, and washed a considerable part of the land away near the branch.

2d. To place a sufficient stone wall for protection along the water line so as to prohibit the farther undermining and to make it permanent, would cost, in our opinion, five or six hundred dollars.

3rd. The quantity of land is not sufficient to accommodate the trade that comes to the market ; and in consequence of it, the drover is often put to expense and trouble, which would not be the case if there were pens of a proper size to accommodate the cattle and hogs that come to the market.

4th. There are at this time at least ten or twelve inches of water in the basement of the house and within two feet of the balances ; and should they continue where they are, they will become worthless in a few years, from the dampness of the situation.

5th. The Brook avenue that the scales are upon is very narrow, not more than 30 or 35 feet wide, and there is considerable travel upon it ; therefore, when the cattle are driven to and from the pens along the road, it is very dangerous to the traveling community.

6th. The committee recommend the removal of the scales to some other place better suited for their preservation, and for the better accommodation of the owners of stock that are to be weighed thereon.

7th. After consultation with the butchers and drovers in relation to the most suitable location for the scales and pens, we have selected a place out of the corporation, about three hundred yards, upon the Brook turnpike, and not more than four hundred from the present place. The street at the place selected is eighty feet wide, and much better suited to the purpose than the present one.

8th. The property selected belongs to Fendall Griffin, and the quantity of land desired to be purchased is two acres, for which he is willing to take five hundred dollars, which we think is a very reasonable price.

9th. John Goddin, the former owner and vendor of the present location of the pens, is willing to purchase the half acre of land at six hundred dollars, and to give the privilege of removing the house and scales, which will be ample to enclose the place selected.

10th. The appropriation made of five hundred dollars will not be sufficient to run the guard wall of stone upon the branch, so as to fully protect the present location; and there must be an additional appropriation of five hundred dollars for the erection of the enclosure, as the present one or any part thereof is entirely useless in the reconstruction of the pens.

11th. The committee report that there will be a saving of one hundred dollars by the exchange of location. The two acres to be purchased will cost five hundred dollars, the removal of the house, scales, weights and all other expenses attached to the same five hundred dollars, which amounts to the sum of one thousand dollars. The sale of the present site and the appropriation of five hundred dollars as above, will amount to eleven hundred dollars; the difference in favor of moving thus being one hundred dollars.

12th. The committee is of opinion that the enclosure should be made of hewed posts, not less than nine inches at the small end, and flattened to five inches, with mortices, &c.; rails flattened, not to exceed eight feet in length, and eight inches in breadth; the fence to be seven feet high, placed in the posts with the heart upwards.

13th. We have examined the pens and their location twice, and we believe the present one not fit for the scales, as there are great complaints from every quarter by butchers, drovers, and those that travel the Brook avenue. The present place is entirely too small; and situated as it is, immediately upon the branch, and without the guard walls, it will become useless in a few years. The site selected is high and dry, and a good situation for a place of the kind. Therefore, we ask the change of location and an additional appropriation of five hundred dollars.

14th. We believe the present schedule for weighing live stock too high, and recommend a reduction to two cents, instead of three per hundred upon cattle; and two cents per head for hogs instead of three—the superintendent to receive one-half for his services and the state the other half. The state will be reimbursed in two years in the outlay and the interest from the receipts of the scales.

[DOC. No. LVI.]

REPORT

OF

THE SELECT COMMITTEE

ON THE SUBJECT OF THE

WASHINGTON MONUMENT.

1852.

REPORT.

The select committee appointed to examine into and report the cost of the Washington monument, so far as its construction has progressed, and into the abuses, if any, which have been practised by those engaged in its construction in regard to tools, the state quarry, powder, &c., and to report upon such other matters as may be deemed pertinent in relation to said monument, have had under consideration the subjects to them referred, and submit the following

REPORT:

According to a statement of the first auditor, the whole amount drawn from the treasury on account of the Washington monument, up to the 10th instant, is \$81,867 95.

Besides the monument fund proper, a contingent fund has been created, arising from the sale of refuse stone evolved from the state quarry, and amounting to \$7,650. This sum, added to the expenditure from the fund proper, exhibits a total of \$89,517 95. No part of this contingent fund has passed into the treasury, but was retained, by the order of Gov. Floyd, in the hands of the paymaster to meet contingent expenses.

There is in the hands of the paymaster, ready to be paid over, the sum of \$2,314 09, and in dues to the monument fund, secured by notes, the further sum of \$2,595 35, making a total, in cash on hand and bills receivable, of \$4,909 44, which, deducted from the aggregate of \$89,517 95, leaves a total expenditure, to the date before stated, of \$84,608 51.

Of the amount drawn from the treasury, the sum of \$2,000 was on account of preliminary expenses, as follows: \$1,500 for ceremonies of laying corner stone, digging foundation and erecting sheds on the square, and \$500 on account of premium for monument design.

Of the amount expended, the sum of \$10,000 was for advances made to Thomas Crawford, Esq., (now in Italy,) on his contract for furnishing the equestrian group, pedestrian statues and other equipments for the monument.

There is on the monument ground a quantity of good stone, valued by the architect at \$1,574, and at the quarry, to be transported to the square when needed, a further quantity of such stone, valued at \$1000.

There is due also to the monument fund, on account of tolls to be refunded by the James river and Kanawha company, the sum of \$825,

and a further sum due from that company, for stone delivered between July 1851 and January 1852, of about \$1000.

And the stock on hand at this date, consisting of slaves, horses, oxen, carts, wagons, derricks, tools, &c., according to an estimate furnished the committee by Mr. Mills, the architect, is put down at \$10,406.

If the last six items be deducted from the gross expenditure before stated, it will leave, chargeable to the architectural department of the monument, the sum of \$59,803 51.

For more detailed particulars as to the cost of the several parts of the monument, and the comparative economy of doing the work on state account and by the contract system, your committee refer to the report of Mr. Mills, made to Gov. Floyd in November last. From the data of that report, it appears that there has been a saving to the state by having the work done through her own agents, while better materials and workmanship have been secured.

The whole cost of the monument, from commencement to completion, your committee estimate as follows :

| | | | | |
|--|---|---|---|---------------------|
| Amount already expended, | - | - | - | 84,608 51 |
| To complete architectural department, as per estimate of the architect, | - | - | - | 16,000 00 |
| For equestrian group, pedestrian statues, shields, wreaths and stars, as per contract with Mr. Crawford, | - | | | 52,975 00 |
| | | | | <hr/> 153,583 51 |
| Deduct \$10,000 already advanced Mr. Crawford, | - | | | 10,000 00 |
| | | | | <hr/> |
| Total cost, | - | - | - | <u>\$143,583 51</u> |

In regard to abuses alleged to have been practised by those engaged in the construction of the monument, the following specific charges were handed in to your committee as the basis of their investigations:

First—"That quarries for the state were opened at heavy expense, and abandoned and let to go into the hands of private contractors, which enured to the injury of the state."

Secondly—"That powder, tools and horse feed have been taken for private purposes, and not accounted for."

Thirdly—"That men have been paid for labor who never performed it."

Numerous witnesses were examined to these points, and the widest range allowed in the investigation, but your committee found nothing, in the voluminous mass of testimony taken, to substantiate either of the foregoing specifications, or to establish the existence of any abuse.

The reports of the architect shew that the state quarry was opened greatly to the advantage of the state, both in a pecuniary view and in regard to the quality of the material put into the construction of the monument. There is no evidence that they enured to the private benefit of individuals. Large quantities of inferior stone, such as would not suit for the purposes of the monument, (as it has been al-

ready stated,) were sold from the state quarry to individuals and corporate bodies, but they were sold at adequate prices, and the proceeds turned over to the contingent monument fund. And after the principal portion of the dimension stone required for the monument had been obtained from the quarry, it was leased (as will appear from the articles of agreement between the commonwealth and the lessees) upon terms favorable to the state, and the team and other stock required to maintain the quarry sold, and the proceeds returned to the monument fund. This step was taken by the advice of the architect. By the terms of this lease, the remaining stone required for the monument is to be furnished at rates considerably below the usual contract price.

By direction of Gov. Floyd, and at the suggestion of those competent to advise in the matter, a new quarry was opened on the lands of the James river and Kanawha company, but not answering expectation, it was abandoned at an inconsiderable loss. The other charges are wholly unsustained.

In respect to the character of the work, your committee deem it proper to state, that, from the testimony of experts examined in the premises, there is perhaps no granite structure in the country the equal of the Washington monument, either as to the quality of the materials used in the construction, or the durability and elegance of architectural execution. The granite from the state quarry was subjected to analysis before being used, and not a piece of inferior stone, your committee are informed, was allowed to enter into its construction.

Governor Floyd seems to have given to the work his own personal attention and supervision, and, your committee believe, has carried out the purpose with which he appears to have set out, of having erected a structure worthy of the great and illustrious name it was designed to commemorate.

Your committee report the testimony of the several witnesses examined, together with numerous documents relating to the subject, and conclude by submitting the following resolution :

Resolved, That the select committee on the subject of the Washington monument be discharged from the further consideration of the subject.

EVIDENCE.

Lieutenant Edward S. Gay, witness called by Mr. Burdett :

Question by Mr. Burdett. Please state whether you know of any abuses in reference to the construction of the Washington monument. If any, what are they?

Answer. I have thought there were abuses, and believing it to be my duty to report any abuses, I have done so in several reports to Governor Floyd, which are on file in the office of the secretary of the commonwealth.

Question by same. Do you know whether any of the property of the Washington monument has been made use of for private purposes?

Answer. I have been under the impression that the property has been used for private purposes, but in what way or by whom, I know not; but my suspicions are, that it has been done by Mr. Rand, the superintendent, and Mr. Laird.

Question by same. Do you know that the wagons, horses, tools, &c. belonging to the monument were used during last summer by Mr. Laird?

Answer. I know that the horses and the teams were used by Mr. Laird, but do not know about the tools. I know that Mr. Laird paid something for the use of the wagons and teams of the Washington monument—how much, my accounts will shew. I objected to the use of the wagons and teams by Mr. Laird, on the ground that Mr. Laird was owing the monument a debt for the year previous; and under an agreement that we were to furnish him stone for locks, I was unwilling, as an agent of the commonwealth, that he should increase his indebtedness, and refused that any stone should be delivered until the James river company would guarantee his payments; after which, Judge Mason agreed that the James river company would pay for the stone. I would not have objected to the use of the wagons and teams by Mr. Laird, if I had felt sure that he would meet his engagements to pay for them. Mr. Laird has paid all that he admits to be due from him to the monument fund. There is a difference between Mr. Laird and myself as to the adjustment of his accounts.

Question. Did you think the amounts paid by Mr. Laird an adequate compensation for the use of the teams and wagons? Did you not think it a one-sided bargain in favor of Mr. Laird?

Answer. At one time the teams were idle, and it was suggested to the governor that they should be used by Mr. Laird, to save their maintenance; and the governor sent for me, and consulted me on the

subject. I thought it was well enough, if the teams were not abused. I should not have objected to the arrangement, if the teams had been my own private property. The governor said that the teams should not be allowed to remain with Laird if abused, and directed me to observe, and take them away when I thought that they were abused. The use of the teams in hauling stone for Mr. Laird for locks has been paid for by the James river company. The price was an adequate one, and such as would have been paid to other persons for such service. The teams were afterwards used by the James river company in hauling stone to the locks, on the same terms upon which they had been used by Mr. Laird.

Question by same. Do you know of any misapplication of the public moneys or the means of the state in connection with the monument? If any, by whom?

Answer. I think there was a misapplication of the powder purchased for the monument. About the 3d of May 1851 I purchased 25 kegs of powder, and about the 26th of May there was a call for more powder. I purchased at that time 25 kegs more. I at first declined to furnish the additional powder, until directed by the governor to provide the superintendent with all things necessary for the speedy opening of the new quarry. I suppose that the governor knew nothing at that time of any abuse or misapplication of the powder, the subject at that time not having been brought to his notice. I believe that the powder was misapplied by Mr. Rand, the superintendent. I do not know it, but believe it. The opening of the new quarry, and the erection of buildings on the grounds and elsewhere, constituted the subjects upon which abuses were committed and the governor imposed upon; also the large increase of force at the quarries.

MARCH 3.

Lieutenant Gay continued:

After the complaint made by me, some time after, Mr. Rand informed me that his powder account was as straight as a shingle; that he had purchased 12 kegs, which he had lent Mr. Laird, which he had returned and placed it at the magazine to the credit of the monument, and that I was too busy in making reports, and I had better go to him before they were made, and he could put me right. To which I replied, that it perhaps had resulted in a loan that might have been forgotten to have been returned but for my complaints. This was not the first conversation I had with Rand on the subject of the powder. When the requisition (about the 25th or 26th of May) came down to me at night, I refused to give it, believing there had been a misuse of part of the 25 kegs previously bought. The next morning I got a note from the governor, saying I should furnish what was required by Mr. Rand for the speedy prosecution of the work. The same day I saw Rand, and consented to give him the order.

Not getting a satisfactory explanation from Mr. Rand, I went to the quarry and enquired of the foreman, Charles Severance, what he had done with so much powder. He asked me how much had been used. I told him 20 kegs. He denied it, asserting that he had not used 7 kegs during the month. This first excited my suspicion that there was peculation of the public funds, which I thereupon reported to the governor. I don't know that the abuse about powder then ceased. On the 3d May I bought 25 kegs, on the 25th May 25 kegs, and on the 18th June 25 kegs. I think those were about the dates and amounts.

Question by Mr. Burdett. Do you think that the state's interest was advanced or injured by opening the new quarry?

Answer. I think it was injured; because the governor desired that I would, with Mr. Rand, examine the quarries and report my opinion of the propriety of opening the new quarry, and I did so. I reported against it, on the ground that the rock was not suitable to go with the rock we were then using, being darker and harder and of a finer grain, and also thinking there was a superabundance of rock of the same kind in the state quarry. After that there was a view of the quarries by order of the governor, (I understood,) by a committee or set of men. I think they were Mr. Wood, Mr. Mills, Mr. Mahoney, and perhaps another. Mr. Rand, the governor and myself were present. I think, when I was told there was to be a view, I suggested Mr. Wood as a suitable person to be one of them. I afterwards understood they reported in favor of opening the quarry.

Question by Mr. Burdett. Do you think Mr. Rand gave due attention to the monument as superintendent?

Answer. I don't think he was as much there as he ought to have been, but the monument did not suffer by his absence, because there were competent men there to superintend in his absence. There were several months that he was there very little—perhaps not an average of a day in a week. I mean, that he would come to the monument and stay a few minutes and go away, spending, I thought, an unnecessary amount of time in passing backwards and forwards between the monument, the quarry and other places. I don't know that I ever reported to the governor that Mr. Rand was inattentive to his duty as superintendent. He had to superintend the quarry; but, I think, with a competent foreman, he might have done that by going there once a week. If the foreman at the quarry had been furnished with a bill of work, he could have got the rock out in Mr. Rand's absence; but not having done that, Mr. Rand had to go there, and from time to time, mark out the rock, which any man could have done if he had proper directions. I wish to explain to the committee that stone are not quarried in the form in which they are to be used, but in a rough manner, and it is as easy to quarry a rock destined for one purpose as another. The pedestals weighed about 16 tons when quarried, and it was as easy to quarry them as any of the rock quarried for Mr. Laird for the locks—that is, there was no mechanical difference—it would be only a difference of labor owing to the weight. There is a wooden pattern given, and the rock to be quarried is laid off by means of that.

Question by Mr. Burdett. Do you not think the force kept at the quarries was larger than necessary for the monument?

Answer. Yes. I recommended a reduction of the force. Instead of a reduction, the force was increased from time to time, until in the month of October, I think, there were about 80 hands at the quarries. The force in October in the capital square was 44 hands, and at the quarries 65 hands, on the check and pay rolls, and there were about 15 more there hired by the year, and not on the check and pay rolls. I don't think that number of hands could be worked to advantage at the quarries. In that number of hands at the quarries are included the necessary boat hands—some three or four men.

Question by Mr. Burdett. Was not a large quantity of stone sent to Norfolk during the last year?

Answer. There must have been a considerable quantity of stone sent. There were several shipments in the spring, summer and fall. I don't know how much was sent. Mr. Laird gave in no account of it until he gave in an account of his indebtedness to the state about the first of December, and in that I suppose this Norfolk stone is included, at \$2 25 per perch, which was the price they allowed me for stone of that kind. I don't know the market value of such stone, but in 1850 Mr. Rand sold some of the same kind at Norfolk, and accounted for it at the rate of \$10 50 per perch. It was sold by Mr. Rand for the monument, and I received from him \$10 50 per perch, while Mr. Laird accounts for similar rock, not inferior if not better, at the rate of \$2 25 per perch. I know nothing about the quantity of stone sent by Mr. Laird to Norfolk. I could not give an opinion as to the quantity.

Laird sold stone also for the Fredericksburg depot—upon which a difficulty occurred between us. When I found it out, I verbally reported it to the governor, and he promptly directed me to stop it. Afterwards, on the same day, Mr. Laird went to the armory and told me I had complained to the governor about the stone he was sending to the depot, and remarked that it was a small matter, and he would give me the contract—that he was not making much profit on it. Upon which I told him, if he could satisfy me that he was entitled to make one cent of profit on the commonwealth's labor, I would continue to deliver the stone, with the governor's permission—but that if I took the contract, and the profits were to enure to the monument fund instead of me, those gentlemen who had purchased the rock would be disappointed, because the contract would not live 36 hours, believing that Rand would deliver stone of such a quality that it would not be received, or would not deliver it at all. The next morning or so, a correspondence between Rand and Sharp (the train agent at the depot) took place to this effect: Sharp wrote to Rand that unless he would furnish them with better stone, they must decline taking any. Rand wrote back that unless they would receive such stone as was sent, they would decline sending any more. Rand, as he had sold the stone to Sharp, then gave me an order to Sharp for the price of the stone. Some time elapsed before the work was done and the stone measured, and I called several times for the money without get-

ting it. Ultimately, when I called for it, it had been paid to Rand. I demanded the money of Rand, and he told me he had sold the rock in Laird's name, and placed it to his account, and that Laird would pay me. I told him he had no right to collect the money, and I was unwilling to take any further debt on Laird than I then had. The money was not paid until it was paid by the governor's check on Laird's account. Mr. Laird paid the money to the governor, and the governor included it in a check given to me.

Question by Mr. Burdett. Do you consider Laird's whole account with the state as having been settled?

Answer. It was settled so far as acknowledged and reported to me by Laird, but with whom the settlement was made, or on what principle, I know not. When the account was referred to me I refused to certify it, on the ground that I denied the right to Laird to make the difference between \$10 50 and \$2 50 per perch, his profit instead of the state's. This is an assumed price, and my datum was that I received \$10 50 for similar stone the year before, the state being at the same expense in quarrying, boating, tolls and hauling the latter as in the case of the former—the substance of which is embraced in one of my reports to the governor.

Question by Mr. Burdett. Do you know of any transfer of good hands from the work on the monument to the private contract of Laird?

Answer. Yes—both from the monument on the square and the quarry. This I know by report of the foremen at those places. I don't think the state paid the hands for time when they were thus withdrawn from the state's work. What I complained of was the withdrawal of the hands when they were needed at the state's work. I complained of this by report to the governor.

I have an account in my hands against J. T. Rogers, which was handed to me a few days ago by Rand. It charges Rogers with a sum of \$97 50, due from him to the monument fund for labor, which was done in Rogers' shop by a hand or hands, who were paid out of the monument fund.

I have also another account which was made out against and paid by Charles Wood, for \$80 75, being for a slab which was prepared for John Enders' grave. There was \$25 20 of that sum paid over to me by Rand, being for the rock. The balance was for the cutting, which was done by the workmen of the monument, and they were paid, I believe, by Rand, out of the remainder of the \$80 75 paid him by Wood, as I learn from Wood. I mention these circumstances to shew that the business was so conducted that it was impossible for me to prevent imposition if it was designed to be practised. I found it impossible to control Mr. Rand.

Question by Mr. Burdett. Do you not think the lease of the state's quarry of great disadvantage to the state?

Answer. I don't know the terms of the lease, but should suppose it might be of great disadvantage, as by working it for private purposes it might be exhausted, and thereby be an injury to the state. Besides, the condition of the property as to title might be seriously felt

by the state, as Mr. Anderson now has a warrant upon it, and as I understand, judgment is in his favor in the lower court, on which there is an appeal. If he should succeed, Mr. Anderson claims the right to go upon the state for the value of all the stone that has been quarried by the state as its lessee. I have thought this information necessary for the committee, though I have never seen the judgment or decree, and do not speak from my own knowledge, but have no doubt of the facts.

Question by same. Do you not think that the property of the state has been converted to private purposes by Mr. Rand?

Answer. Well, sir, I do not know about that, except that he made an unnecessary use of the horses by riding to and fro, hither and yon. I did hear the governor say that Rand had ridden down about three horses, though I thought it rather a casual remark as Rand galloped by us on his way to the quarry.

Question by the committee. Who was authorized to sell the stone above referred to, and who fixed the price?

Answer. At the time that we commenced work, the propriety of the sale of stone had not been thought of or suggested, and consequently not embraced in the regulations. But in the progress of the work we raised a considerable surplus of stone not suitable for the monument, which surplus had to be removed at considerable labor and thrown away. That being the case, it was suggested to the governor that we should sell such stone, and get back some compensation for the labor and expense in handling, &c. He approved of the plan and directed me to do so, and collect the money arising from the same and appropriate it to contingent expenses and the payment of accounts, as we might see cause. I believe that I was considered by the governor the disbursing and receiving agent, and no other person. When there was a regular bargain with a purchaser of stone, it was generally done upon consultation between Rand and myself. But frequently stone was sold without my knowing anything about it. Last summer there was a difficulty about it. I denied the right of Laird to sell stone, and complained to the governor about the sale of stone in this manner, and he then endorsed on the regulations an order that there should be no sales of stone without consulting the paymaster and getting his approval. Afterwards, at the governor's request, I sent him the regulations with that endorsement on them, and they have not been returned to me. I have here a copy of the regulations, but without that endorsement.

Question by the chairman. Was there any stone sold from the state quarry to any one besides Mr. Laird—and to whom, and at what price?

Answer. I answered that question yesterday, by alluding to the stone sold to the Fredericksburg company. I had a previous contract with a person in Richmond (McCarthy) for stone for a culvert. The city of Richmond paid for it. I also alluded to the sale of stone to Mr. Wood; and there have been sales to some other persons to considerable amounts. Up to the beginning of the year 1851, we sold a good deal of stone to various people to get clear of the rubbish, &c.

The stone which we sold in 1850 was simply the refuse stone which was not suitable for the monument, the raising of which cost no additional force or expense to be added to the monument expenditure, as we were obliged to quarry that to get at the select stone for the monument. In 1851 there was a much larger amount of stone raised and the force increased.

Question by Governor Floyd. Has stone been sold from the quarries which was fit to be built into the monument—and if so, to whom?

Answer. I think there has been a considerable quantity of stone that has been quarried for the locks and for other purposes, that would have answered for the monument, if the foreman of the quarry had been furnished with a bill of stone so as to have been able to have selected different sizes—some of which would have answered, in my opinion, for the exterior, and other portions for the interior of the monument. What I mean by “other purposes” besides the locks, is, that the most indifferent stone, or the chief part of it, was brought to the culvert I before mentioned.

Question by same. Is it intended to be asserted that that most indifferent stone would have answered for the exterior or interior of the monument?

Answer. No. No part of it. What I meant by the indifferent stone was, that almost any stone would do for the culvert, except the flagging at top and bottom.

Question by the chairman. Is the stone furnished to the James river company on the same terms as it was furnished to Laird?

Answer. Exactly, I believe. They have accounted to me on the same terms as they accounted to Laird.

FRIDAY, March 5, 1852.

John J. Palmer sworn:

Question by Mr. Burdett. Please state anything that you know in reference to the abuses connected with the Washington monument.

Answer. I have stated in a memorandum handed in to the committee, that I knew nothing personally on the subject.

Question by the committee. You state in a memorandum filed here, requesting witnesses to be summoned, that it was handed in by request of several citizens. Who were those citizens?

Answer. Mr. Benjamin M. Morris, Mr. Bates—Mr. John Knowles was also at the table when the conversation occurred.

Question by same. Did those gentlemen profess to know anything personally upon the subject?

Answer. No. They all disclaimed it except Mr. Bates, who handed me the names of all the witnesses on the memorandum, except Lieutenant Gay, who was put down by myself. Mr. Bates is a stone mason.

Lewis Severance sworn:

Question by Mr. Burdett. Do you know whether or not any of the

state's tools were taken from the Washington monument to the quarries, and there used by Samuel Laird, or appropriated by others to private uses?

Answer. I know that there were tools used there that I had used on the square. There were also straight edges, which are wooden rules or straight slips of plank used to lay off stone, used at the quarries which had been used at the monument.

Question by Mr. Burdett. Was there a new building erected at the quarries on state account? If aye, for what purpose and at what cost?

Answer. There was a building also, I believe a blacksmith shop. I cannot conceive for what purpose the building was erected, though it was stated to be for boarding the hands. I should put the cost at about four hundred dollars.

Question by same. Were there any boarding houses at the quarries previous to the repair and erection of the new buildings to which you have alluded? If aye, were they or not sufficient to accommodate all the hands connected with the work on the monument?

Answer. Well, Mr. French kept a boarding house there and boarded all the black hands (except a few that boarded with my brother) in June or July last. The magazine could accommodate twenty men; Miss O'Conner could board about six; Miss Sweeny about four. That includes all that were there. I do not know what Mr. French charged for boarding the black hands.

Question by same. Do you know that the magazine building at the state's quarries was repaired? What was the purpose of those repairs, and what the cost?

Answer. It was repaired for the purpose of boarding the quarry hands. The expense was about \$150 or \$200.

Question by same. Were there any quarries in the hands of Samuel Laird, which were transferred by him to the state, and then opened by the state? If aye, what was the cost of opening those quarries, and for what purpose were they opened, and why were they transferred to Mr. Temple or others, and what disposition did Temple and others make of the stone after they were opened?

Answer. Mr. Laird leased the quarry from the canal company in April 1861. In May or June the state hands went to work on the same quarry, for what purpose I do not know. It was transferred to Mr. Temple and others, for what purpose I do not know. Temple brought the stone into town to be used on the locks.

Question by same. State anything that you may know and have not already stated in reference to abuses connected with the monument.

Answer. I have stated about all I know.

Question by Governor Floyd. Were you dismissed from work on the square by the superintendent?

Answer. No sir. I was away about a week, and when I returned, my tools had been returned into the office, and I retired or left.

Question by same. Why did you think the building at the quarry cost four hundred dollars, and what were your means of knowing its cost?

Answer. I judged from the sight of the building, the labor and materials.

Question by same. How far were you at work from the building that was being erected and the quarries that were opened.

Answer. About one-fourth of a mile.

Question by same. How came you by your information respecting the quarries, the opening of them, &c.?

Answer. I was present at the opening of the upper quarry. It cost about three thousand dollars to open the upper quarry.

Question by same. How do you know that it cost three thousand dollars?

Answer. That was my judgment.

Question by same. Did you ever see the questions asked you by Mr. Burdett, before they were presented to you before this committee?

Answer. I got a man to write them for me.

Question by same. Who was he?

Answer. He is a gentleman who lives here in this city. I forget his name just now.

Question by same. What was your object in having questions prepared? Was it that you might direct your answers in a particular direct on?

Answer. My object was to answer such things as I knew about, and to avoid leading questions.

Question by same. Did any one talk to you about this investigation? Did you consult with any one about it, and the manner in which it ought to be prosecuted?

Answer. I have never consulted any one. I said I thought it ought to come before the legislature, and I thought I would bring it up this winter.

Question by same. After you published one of your pieces about the monument in the newspaper, did you or not say that you were on the way to the armory to see Lieutenant Gay, for the purpose of getting more information concerning that work, with the view of making another publication?

Answer. I do not recollect saying anything of the kind.

Question by the committee. Can you now, on reflection, tell who prepared the questions which you handed Mr. Burdett?

Answer. It was Mr. Palmer, the witness examined this morning.

Question by the committee. Have you ever had any difference with Mr. Rand, the superintendent?

Answer. I never did, I think.

Question by same. Did you ever apply to Lieut. Gay for information to enable you to prosecute this investigation? If so, what was his answer, and when did you so apply?

Answer. It was last fall, I think. I met him in the street. I think I spoke to him at two different times. His reply was that he did not know anything about it, and he passed on. I do not remember exactly how he worded it. I thought he spoke rather short, and I thought I would never speak to him about it again.

John W. Davis sworn :

Question by Mr. Burdett. Do you remember seeing stone cut on the monument cutting grounds during September and October 1851, that was not used in the construction of the monument? If aye, state its value?

Answer. Yes—I do remember seeing stone cut on the grounds that was not applied to the use of the monument, during September and October. I should say I saw from four to five hundred dollars worth in those two months.

Question by same. By whom was the stone cut, and on what days or dates, and were they paid for by the monument fund?

Answer. They were cut by Messrs. Palmer, Roach, Minch and Eagers—the last an apprentice to somebody. Wickers also cut some; Green was another; the stone was cut in September and October, and partly in November 1851. My belief is, that they were paid by the Washington monument fund. I do not assert this for a fact. I do not suppose all was paid by the monument fund. I called for the pay roll of the 25th of October particularly, and referred to the pay rolls for October and November 1851. On the 25th October 1851, I know that Roach, Minch and Eagers were cutting stone which never went into the monument, but were removed from the grounds by the monument teams and carried, as I understood, to Norfolk.

Question by same. Were you aware that other persons were paid when not employed on the works, and what were such persons employed doing? Were they paid by the monument fund?

Answer. I will name one person: John Mills, on the 25th October 1851, was said to be sick and not at work. On the 31st October and November 1st, 1851, he was employed on a gunning excursion. He was sent on this gunning excursion by Mr. Temple in company with Temple's son.

Question by same. State anything farther on this subject which you may know?

Answer. Mr. Green's cuttings, referred to above, were not sent to Norfolk, but now remain on the square. His time in cutting that stone was from about the 20th to about the 30th October 1851. Part of this stone was sold to Mr. Rogers.

Question by the committee. How does it happen that you kept the dates referred to by you with so much accuracy?

Answer. One reason of it was that the 25th October was the day the pedestal was broken, and there seemed to be a desperate effort to get all the stone cut for other purposes off the grounds. Another reason is, that I keep memoranda of all the passing events worthy of note that occur every year.

Question by same. Did you prepare the questions propounded by Mr. Burdett to you?

Answer. I did.

Question by same. At whose instance?

Answer. At my own. I think Mr. Palmer suggested the idea.

Question by committee. Were you employed on the Washington monument—how long and when? Were you or were you not dismissed from that employment?

Answer. I was employed on the monument in September and October 1861. I was dismissed, with several others at the same time, on the 1st day of November 1861.

Question by committee. Did you suggest to other witnesses that they should, as you had done or intended to do, prepare questions to be submitted to Mr. Burdett, and by him propounded before the committee?

Answer. I did suggest to several, a man, named Williams and a teamster employed on the monument, named Jenkins. Dudley, a blacksmith, is another, I think—that is about all.

Question by same. Did you advise those witnesses to prepare their questions, or to have them prepared by others?—and do you know whether they have acted in accordance with your advice?

Answer. I advised them to do one or the other. One of them, Williams, complied with my advice, and has written questions.

Question by same. What monument is it that you speak of as having been cut, and now upon the square, not belonging to the Washington monument?

Answer. It is a small obelisk now upon the square, cut for a grave monument. I do not know for whom it was cut.

Question by Gov. Floyd. Did not this obelisk constitute the chief work done upon the square not belonging to the Washington monument?

Answer. No, it did not. Stone that was removed from the square made the most of it, as, I suppose, the stone that went to Norfolk and other places, namely, to Mr. Rogers' shop—one stone which I suppose to be as valuable as the obelisk remaining on the square.

Question by committee. What stone went to Rogers' shop?

Answer. It was a granite intended as a present for the Washington monument at Washington city. There is also another stone at Rogers' that was cut on the square. Mr. Rogers bought it recently. The stone is worth about six dollars, cut in that style, which is very good. I saw the stone for the Washington monument taken from Rogers' shop and placed on a wagon and sent to Rocketts to be shipped to Washington city.

Question by Mr. Gay. Did you call on me for inspection of my pay rolls?—what was my answer?

Answer. You said your papers were public papers, and I could not see them.

Question by same. Have you ever called on me for information, or have I ever suggested to you that you should take any part in this investigation?

Answer. I have called for information and been refused, as above stated. You never suggested anything of the sort.

Question by Governor Floyd. Did you or not know or have reason to believe that Mr. Gay was active in getting up this investigation, and therefore you made these enquiries of him?

Answer. No, sir. I always saw Mr. Gay to be quite the reverse—in fact, so much opposed on one occasion, that I told him that I was perfectly sober, and that I knew what I was enquiring about. I applied to Mr. Gay for information, because I believed he ought to give it.

Question by committee. Was Governor Floyd in Richmond in September and October?

Answer. He was here part of the time and absent part of the time.

[*Note.*—Upon comparing the pay roll referred to by witness Davis, it was ascertained that the persons he stated were paid on the 25th of October, *were not paid for that day.*]

William Thomas sworn :

Question by Mr. Burdett. You will please state anything you may know in reference to the abuses in the Washington monument.

Answer. All I know is, that I bought some hay and some stone, for which I paid ten or twelve dollars for stone, and seven dollars and a half for hauling a house. I paid it to Rand. I paid two dollars eighty cents for the hay.

By same. Do you know whether or not Mr. Rand, at any time, took the state hands or teams to do his own work?

Answer. Yes, he did—at several times, when I would have been engaged in setting of a stone, four or five hands around a derrick and the stone swinging ready to set, he called the hands away to load his own stone, which I considered was a great disadvantage to the work.

By committee. What stone was that, and at what time?

Answer. The stone was what he was preparing for a jail at Norfolk or a courthouse, I can't be sure which it was; I cannot tell the time; it was last fall some time; I was not paying much attention to it any how.

Question by Mr. Burdett. Did the hay you purchased of Rand belong to the state or himself?

Answer. I cannot tell; he had purchased it for the state's horses.

By the committee. Were you dismissed from the work on the Washington monument?

Answer. I was.

By same. Who requested you to attend here as a witness?

Answer. No person, only that I was summoned here by the sergeant.

Question by Mr. Burdett. Were you dismissed from the work for any particular cause?

Answer. Not that I know of.

By the committee. How often did Rand take the hands from the work in the manner you before stated, and how long did he keep them away?

Answer. I could not tell how often he took them away, for I never kept any account of it; sometimes they were away two hours, sometimes three, &c.

By same. Did you make any objection at the time to their being taken from the work?

Answer. No, sir. Rand was that sort of a man I could not object; what he said had to be done.

By same. Was not the stone sold from the state quarry, hauled by the state teams and delivered by the state hands?

Answer. Yes; there was one more stone, a base for a monument

for Mr. Warwick ; he, Rand, kept two hands working upon that stone some two or three weeks.

By the committee. Was not this base for Warwick's monument sold by the state ?

Answer. It came out of the state's quarry and was delivered by the state's teams—I cannot tell whether it was sold by the state or not.

By the same. Had any person a conversation with you relative to the supposed abuses practised about the monument before you were summoned as a witness ? If so, who was it ?

Answer. No one in particular, but several said I should testify.

By the same. Did any one enquire what you could prove ? If so, who was it ?

Answer. No one enquired what I could prove.

Question by Mr. Gay. Have I ever had any conversation with you, or induced you to take part in this investigation ?

Answer. No, sir. I never spoke to him, or had any conversation with him on the subject.

[*Note.*—On reference to Lieut. Gay's cash book, it appears that seventy-one dollars and thirty-three cents was received by the paymaster from Warwick.]

Andrew H. Dudley sworn :

Question by Mr. Burdett. State to the committee anything you may know in reference to the abuses in the construction of the Washington monument ?

Answer. I have no knowledge of anything in particular, only as making tools. I am a blacksmith. I made some tools for Mr. Laird, but I made those tools in my own time, and they were not paid for out of the monument funds, but charged to Mr. Laird. I do not know out of whose iron the tools were made. Mr. Rand allowed me to make those tools in my own time. I frequently did work in that way in my own time. Sometimes I worked in the night. Mr. Laird used those tools upon the locks he was constructing.

By committee. Were you dismissed from the work ?

Answer. I was, the last day of November, at the time the force was reduced by the dismissal of eight or ten hands.

By Mr. Gay. Have you ever had any conversation with me on the subject of this investigation, or have I made enquiries to induce you to become a witness ?

Answer. I have not.

By the committee. Who did converse with you and advise on the subject ?

Answer. Mr. Lewis Severance produced me a list of some 10 or 15 witnesses, and wanted me to sign it ; I refused to do so ; I said I did not know anything about it, nor did not want to have anything to do with it.

John Williams sworn :

Question by Mr. Burdett. State anything you may know in connection with the alleged abuses concerning the Washington monument.

Answer. I was employed as a workman on the monument ; there was labor expended in the stone cutting department, which had to be

done over again because it was not properly directed. I am not prepared to say that it was an abuse. I do not know of any other.

Question by same. Do you know whether or not Mr. Rand was the agent of Mr. Laird at the same time he was superintendent for the Washington monument?

Answer. Mr. Laird told me he was. I have seen Mr. Rand offering to engage men for Laird for that work.

Question by the committee. Do you know that Mr. Gay was paymaster for the monument at the same time that he was lieutenant in the public guard?

Answer. Lieutenant Gay was paymaster at the monument.

Question by same. What was the nature of Rand's agency for Laird?

Answer. Laird told me he was not thoroughly acquainted with the business of the lock work, and that he had employed Rand to take charge of it for him; that he had given him control to hire, control of moneys in bank, and things of that nature.

Question by same. Are you one of the workmen who were dismissed from the monument?

Answer. No. I left on my own accord. It was on the occasion when the men applied to Gov. Floyd to obtain an increase of wages. Some of them got an increase and some not. I was one of those whose wages were not raised, and I left on that account.

Question by same. Was there dissatisfaction among those who failed to get an increase of wages?

Answer. There was no person that left but myself at the time that I know of, but I believe they were dissatisfied.

Question by Gov. Floyd. Who was the foreman on the work at the time the cutting was done, which you think was an abuse in consequence of mistakes?

Answer. Temple.

Question by Mr. Gay. Was not Mr. Rand superintendent and Temple under his control at that time?

Answer. Yes.

Question by same. Were you ever in Laird's employ?

Answer. No.

Question by same. Have you had any conversation with me to induce you to become a witness in this matter, or enquiries from me as to what you knew about it?

Answer. No.

Aquilla Jenkins sworn:

Question by Mr. Burdett. State what you know about any alleged abuses in the construction of the monument?

Answer. I know nothing about it except as to the hauling. I was one of the teamsters for the monument. We did a good deal of hauling for other people. Rand put the horses down at the locks to work for Laird, and they were a good deal abused while they were there. There was some harness carried there and never returned. Rand had feed carried down there—hay, corn-meal and bran. A good part of the time our own horses were brought home and kept in our own

stable at night, and his horses were brought there and fed for some time; I could not say how long when he first brought them. He used to take them out of the stable at night, at 10 or 11 o'clock, and ride them; two or three of them sometimes. I mean that Rand did this sometimes; his wife did it sometimes, and Laird sometimes. They had a key that fit the lock. The horses I mean were the horses belonging to the state. He used to take meal out of the stable to his own house, and to the boarding house at the quarry after Severance left it. He has told me to send it up there. I recollect once he told me to send four bushels and said he would return it, but I never saw any returned; I don't recollect how much was sent at other times.

Question by same. Did you haul stone with the state's teams for Mr. Wood?

Answer. I did haul a good deal for Mr. Wood, and some for Mr. Rogers.

Question by same. Did you haul castings for the gashouse with the state's team?

Answer. I did haul some for the gashouse from Rocketts.

Question by committee. Was this hauling done on the private account of Rand, or on account of the state?

Answer. I don't know. Rand sent me to do it; he had the superintendence of the state's teams.

Question by same. Were the state's teams all the time necessary for the quarry and monument?

Answer. No—not all they had. Seven or eight horses would have done all the work as well as what they had. They had 14 or 15 or 16, I believe. They were rarely all at work, unless it was riding.

Question by same. Were you dismissed from the work?

Answer. No. I stayed there till they sold all the teams, and had nothing more for me to do.

Question by same. Did any one else besides Rand ever get horse feed from the stable? If so, who?

Answer. Mr. Gay got some hay. I carried him some hay from the stable. Governor Floyd got some hay from the stable.

Question by same. Has any one talked with you about being a witness? If so, who?

Answer. Yes. Several people have asked me if I was a witness; I don't recollect who they were; I don't recollect of any one asking me what I could prove.

Question by same. Did any one advise you to prepare written questions, or have them prepared?

Answer. I have been told by one or two that it would be best; that I would get through quicker. I had not much time to be delayed here. Andrew Dudley was one of those persons. I got Mr. Davis to prepare questions for me, but I have not seen them since he prepared them. He prepared them to-day. He kept them, and said he would be here, but I have not seen him. The same questions have been asked me here to-day. Davis did not advise me to have questions prepared; I asked him if he thought it would be best; he said he did not know—I could do as I liked. This took place to-day. That was the first conversation I ever had with him on this subject.

Question by Lieutenant Gay. Did I not complain of Laird's horses being at the public stable, and direct them to be moved?

Answer. Yes.

Question by same. Did I not also order the horses to be moved from working on the locks?

Answer. Yes.

Question by same. Were they not frequently returned afterwards, and removed by my complaint?

Answer. Yes. They were returned a good many times afterwards.

Question by same. Did I not also give directions that you were not to haul for Mr. Laird, except stone to the locks?

Answer. I don't remember. You objected to my hauling to the locks. You stopped me once when I was hauling to the locks. That, I think, was about the commencement of the hauling for the locks.

Question by same. Did I not say that I did not know who was to pay for the stone, and therefore objected to the delivery?

Answer. Yes. You said you did not know where you were going to get the pay for them, or something to that amount.

Question by Gov. Floyd. When was that?

Answer. I don't recollect. It was about the commencement, or soon after. It might have been a month or more after we began, or it might not have been more than a week.

Question by Lieutenant Gay. Did I object to the teams hauling to the locks after it was understood that the James river company would pay for the stone?

Answer. I can't say. For I don't know when that understanding was made.

Question by Gov. Floyd. Have you never said to any one that you had been enquired of by Lieutenant Gay what you would prove in this matter, and that you told him you knew nothing about it?

Answer. No. I am sure I never did.

J. T. Rogers sworn:

Question by Mr. Burdett. State all you know in reference to the alleged abuses in reference to the Washington monument?

Answer. I cannot say that I know anything except hearsay.

Question by Governor Floyd. It has been proved by Lieutenant Gay, paymaster to the monument, that \$97 50 was paid out of the monument fund for labor of hands done in your shop. Please state all the facts connected with that transaction.

Answer. The grand lodge of Masons determined to furnish a stone for the national Washington monument. The committee was Dr. Dove, Governor Floyd and Joseph Mayo. The committee requested me to get them up a suitable drawing for such a stone. The drawing was done and accepted by the committee. Not having a workman in my employ at that time competent to do the work, I applied to the superintendent of the monument. He agreed to have the work done, and the work was done on the square. The stone never entered my shop until it was finished. I was charged at the rate of \$2 50 per day per hand for the workmen. The bill has not been

presented to me yet for payment, but I am ready to pay it when presented.

Question by same. Has any conversation occurred between you and Lieutenant Gay in reference to abuses upon the work, and in connection with the preparation of this stone?

Answer. I cannot say that there was anything directly about abuses on the work. Lieut. Gay came into my shop some time last week and asked me if I had purchased any stone of the monument, and to shew the receipts? My answer was that I had purchased stone of the monument, but had paid larger prices than I would have had to pay elsewhere. That was the substance of the conversation.

Question by same. Did he enquire of you what knowledge you had about the transactions connected with the monument? What did he say to you upon that subject, and about his determination to ferret out the abuses, &c.?

Answer. When Mr. Gay came into my shop he seemed irritated, and asked the question referred to above. He then stated that they had stirred him up, and he had no secrets now. He said to others in the shop at the same time, that he had been stirred up and would shew them where Tony hid the wedge, and used other expressions of that sort. Mr. John W. Davis made the enquiry of Lieutenant Gay why he had not permitted him to see the pay rolls when he applied to him last summer? Mr. Gay said they were official papers, and no one but a committee appointed by the governor should see them. Mr. Davis said he supposed he should have a chance to look at them shortly. Lieutenant Gay answered yes. That was before Mr. Davis was summoned, but he expected to be summoned. The committee had been appointed.

Question by same. Did you tell the paymaster that you were ready to pay your account?

Answer. I asked him if that was what he came after. His answer was no.

Question by Mr. Gay. Was not the stone for the national monument one upon which a dispute arose as to your account, which was referred to the executive for settlement, and their action had before your account was settled? At what time was that stone delivered and shipped to Washington?

Answer. There was a dispute about the stone furnished to the national monument by the state. That has been settled, and I hold Mr. Gay's receipt for the balance. There never has been a dispute about the stone furnished to the national monument by the Masonic lodge, which is the stone referred to in my testimony above. The Masonic stone was shipped the 31st day of January 1852. The state stone was shipped a long time ago.

Question by Mr. Gay. Is the bill for \$97 50 one on account of the Masonic stone or of the state stone?

Answer. It was for the Masonic stone.

Question by same. When I went to your shop last week, was it not for the purpose of cautioning you not to pay any debt due the state

to Mr. Rand ; and for your own protection, you had better shew my receipts than Rand's.

Answer. I do not know what was your intention, but those words were not made use of at that time. Lieut. Gay had cautioned me some twice or three times before not to pay money to Rand, as he would hold me responsible for it if I did.

Question by same. Have you or not at some time had a conversation with Governor Floyd relative to this investigation ; and was not such conversation apparently to elicit from you what you knew upon these subjects ? If so, when and where ?—and state the conversation.

Answer. I was called upon, I think last Friday, by Mr. Charles D. Yale, to go with him to the Exchange hotel, to take the measure for a marble slab for a washstand. On coming out with Mr. Yale I met Captain Dimmock, Mr. Trigg and Governor Floyd. Compliments of the day passed between us, and Governor Floyd asked me what I considered the monument worth as it stood now ? that is, what it was worth to do it by contract ? My answer was, that I could not tell exactly. He asked me if it could be done for \$60,000 ? I told him I thought not. He asked me if I ever saw better work of granite in my life ? I told him that I had traveled a great deal and seen many public buildings, and never saw any work to equal that, of the same material. Governor Floyd then told me that he reckoned I would be called on as witness here. At that time other gentlemen interrupted us. Governor Floyd stepped into his carriage and drove off. The conversation took place on the side walk in front of the Exchange, just as the governor was about to get into his carriage.

Question by same. Was there nothing in that conversation that had reference to the subject or matter now before this committee ?

Answer. There was. Governor Floyd asked me if that stone for the Masonic lodge had been paid for ? I told him that it had not—that the bill had never been presented to me.

Question by same. Have you ever at any time heard me reflect on Governor Floyd, or allude to him for any impropriety of conduct in the management of the Washington monument, or attempt to induce you to become instrumental in the prosecution of this investigation ? If I attributed impropriety to any body, was it not to Mr. Rand ?

Answer. You have never spoken to me about becoming a witness, or any thing of the kind, except the conversation which I have related above, which was after the committee was organized.

Question by committee. Did Rand ever attempt to collect from you money for stone sold from the monument ?

Answer. No.

Robert Morrisett being called, and orally interrogated, knew nothing on the points to which the committee confined the investigation.

Thomas Bates sworn :

Question by Mr. Burdett. State anything you know about Laird's contract with the state for stone sent to Norfolk.

Answer. I know nothing personally about it, only I saw stone going to Rocketts, and Mr. Turner of Norfolk said he had purchased stone from the state quarry for enclosing the city hall. They were

stone of the dimension of a foot square; that is, one foot thick and one foot wide, and as long as they could be gotten. One season they were rough, and the next they were cut.

Question by same. Did you purchase any stone of the state, and at what price?

Answer. I purchased some stone at 30 cents per cubic foot.

Question by same. Were they similar to those sent to Norfolk?

Answer. They were dimension stone. The stone sent to Norfolk was dimension stone. In the general one was worth about as much as the other. I should judge that those that went to Norfolk were worth some little the most. McCloy said that he would charge me 35 cents a foot for similar stone delivered out the basin. I bought those stone when they commenced the work on the monument, and continued to purchase until last May. When I first proposed to buy, Mr. Rand said he must first consult the governor.

Question by committee. Do you know that any dimension stone were sold from the quarry for the culvert near the penitentiary? If so, were they equal to those that you bought and those that were sent to Norfolk?

Answer. Some that were used for the culvert were very good stone, and I bought some of them at 25 or 30 cents per foot. Some of those stone were suitable for dimension stone.

Question by Lieutenant Gay. You refer to the culvert stone as dimension stone. Is that stone quarried with as much particularity as dimension stone for building purposes, or is it required to be of as good quality?

Answer. Well, it don't matter as to the color or the shape, provided it is long enough for the culvert work.

Question by same. Was the stone that you purchased delivered at your own crane?

Answer. At the state crane at the basin. I took them off from the boat myself. They were not hauled by the state teams.

Question by Governor Floyd. Would the stone used for the culvert answer for enclosing the city hall at Norfolk?

Answer. Well, I don't know whether they would or not. Those that I got would not answer, because they were only 9 inches thick.

Question. Is not stone for flagging and covering a culvert generally of the most common kind, provided it has sufficient strength?

Answer. It is just as it comes, provided it has strength.

Question by same. In running a large culvert with 4 or 5 feet side walls 18 inches thick, is not the flagging comparatively an insignificant portion of the stone?

Answer. Well, I don't know. It depends on the size of the culvert.

Question by Governor Floyd. Does it not require better stone for a culvert than for the backing of a wall?

Answer. Stone that would do for one would do for another I suppose. Culverts are things that I don't know much about.

Question by Mr. Rand. Do you pretend to be a master quarrier?

Answer. No. I know nothing about it personally. I carry on that business through others.

(John W. Smith sworn—not examined at present.)

Charles Wood sworn:

Question by Mr. Burdett. State if you know anything in regard to the stone sold by Laird to some one in Norfolk, or anything as to any misapplication of the powder of the state, or as to the terms of the lease of the state quarry?

Answer. I know nothing about the stone sold by Laird to some one in Norfolk. I know nothing about the powder of the state being misapplied. I know nothing about the terms of the lease of the state quarry.

Question by Governor Floyd. You are a quarrier, and have seen how the work has been done at the quarry and at the monument—state whether in your opinion the work at the quarry and on the square was done with skill and economy?

Answer. I have been frequently at the quarry and on the square, and I have always considered that the work has been very well conducted at both places.

Question by same. Have you ever seen work executed in granite equal to that on the monument?

Answer. I never have.

Question by Lieutenant Gay. What force do you think could be worked to advantage on the state quarry, so far as would be necessary to furnish the rock required for the monument?

Answer. Either forty or eighty, if you pleased. Some less places have worked more force than that.

Question by same. Do you mean to say by that, that so much force is necessary to quarry for the monument?

Answer. It might or might not be. It would depend on the time you had to do it in.

Question by same. Do you not think that that force could have furnished the rock for the monument long ago, if it had been applied to the monument?

Answer. All the stone that was taken out of there would probably have been sufficient to build two monuments. But they have been sold for other purposes, that would not answer for the monument. The color would not answer.

Question by same. Would not, in your opinion, any of the stone from the state quarry, called first class building stone, have been much more suitable for the monument as to color and quality than any stone quarried from the James river and Kanawha quarry, so far as you have seen?

Answer. I don't think there was any of what would be called first class building stone, that would be fit to go into the monument since the foundation was laid.

Question by same. Do you not think some of the stone delivered to Laird for the locks and for Norfolk were sufficient in quality to be worked into the monument, and at least as suitable as the stone of the James river and Kanawha quarry?

Answer. I did not see all that was delivered. There might have been some, but I think very few that would have answered for the monument. As to the stone that went to Norfolk, I don't know that I ever saw any of them. I don't think I have ever been at the James river and Kanawha quarry but two or three times. I don't know that I have ever seen any of that stone put on the outside of the monument, but think I have seen some put into the inside. As near as I could come at it, these stone sold to Laird were refuse stone from the monument, that they could not use in the monument.

Question by the committee. Was it or not necessary to have a large force at the quarry during the last summer, in order to have materials ready for carrying on the monument work during the ensuing fall and winter?

Answer. I was there in May, and expressed my opinion then that they ought to have at least four or six months' stock ahead, that they might take advantage of it to push the work. I am still of that opinion.

Question by same. What is the stone for the top and bottom of the penitentiary culvert worth?—and what is the proportion between that and the rest of the stone in that culvert?

Answer. I don't think that I have ever seen those stone. We generally pay from \$1 50 to \$1 75 per perch for stone for a culvert or rough wall; that is, taking bottom, top and sides altogether, and delivered.

Question by same. How long have you been engaged in the stone business, and in what states have you carried on the business of quarrying and stone work?

Answer. I first commenced in New Hampshire, at the age of about 12—that is, 40 years ago. I then went to New York, from there again to New Hampshire, from there to Rhode Island, from there to North Carolina, from there to Maine, from there to Massachusetts, from there to Maryland, from there to South Carolina, from there again to Maryland, and from there to Virginia, 18 years ago last May. I should have stated that I spent about two years in Connecticut before I went to North Carolina, and some nine months at Washington city afterwards. I have worked in granite all that time. I was also some time in Vermont.

Question by same. Could work of the style of that done on the monument probably be procured to be done by contract?

Answer. I have never known such work to be done by contract.

Question by Lieut. Gay. You allude to the price of culvert stone at \$1 50 to \$1 75; is that the price on the bank of the basin, or when hauled to the place where it is to be worked?

Answer. I have paid that for stone delivered where I worked it. I suppose the hauling would be worth from two to three shillings a perch.

MARCH 10th.

A. French sworn:

Question by Mr. Burdett. State whether you know anything in regard to the sale of the state's stone by Mr. Laird to Mr. Turner of Norfolk, or in regard to any misapplication of the state's powder, or in regard to the lease of the state's quarry?

Answer. I know nothing of any sale of stone by Laird to Turner, or of any misapplication of the state's powder, or of the lease of the state's quarry.

Question by Lt. Gay. Did I ever reflect on Governor Floyd in any conversation with you, or implicate him in any charges connected with this business?

Answer. No.

THURSDAY, March 11, 1852.

Oliver H. Rand sworn, at the instance of the committee:

Question by the committee. State what you know about stone sold from the state quarry to Laird, and by him shipped to Norfolk?

Answer. In 1851 there were some 170 odd tons sold to Laird, and by him shipped to Norfolk, commencing in May, I think, and ending in December. I think it was 179 tons shipped, for which he was charged as the gross amount, I think 194 or 189 tons. I charged him for all he got in the usual way, and he sold by the foot, which made the difference between what the state charged him for and what he shipped. I think the difference was 19 tons, but I forget the precise quantities. It is my impression that Laird did not buy any to ship away in 1850. What was sold that year at Norfolk, I sold and accounted for to the monument fund direct. The stone was sold to Laird—the first lot at \$2 a perch, the second at \$2 25, and the last at \$2 50. The contract made with the city of Richmond for the sale of stone to the city was made before the contract with Laird for the stone sent to Norfolk. It was necessary to remove the stone from the quarry which were not suitable for the monument. Such stone accumulated very fast, over five to one that we could use in the monument. It was considered most judicious to sell those stone. We sold the stone to the James river company by the cubic yard, and they were to take it as it came out of the quarry, without selection. The city of Richmond got stone in the same way.

Question by same. Taking the stone in this way, what did the James river company and the city pay for it?

Answer. The company paid \$1 75 per cubic yard, delivered to them—some delivered at the basin was at \$1 25, and some taken at the quarry was \$1. The charge for hauling from the basin was 50 cents. The city paid \$1 75 per perch. I think we had one job for the city at Rocketts, for which \$1 88 was charged on account of the long hauling.

Question by same. Did Laird in his contract for stone take it without selection as the company and the city did?

Answer. Yes. That was his contract.

Question by same. What were your duties as superintendent?

Answer. To employ all hands, rate their wages, superintend the boats and teams at the canal and quarries, and the getting out of stone at the quarries, to purchase all horse feed and all materials, tools and rigging for all the works, superintend the delivery of all stone at different points, to the city, the company and others, make out check rolls and return them monthly to the paymaster, with each man's time and rate of wages. My average travel, I suppose, was 20 miles a day for two years.

Question by same. Was it your duty to superintend the construction of the work at the monument?

Answer. Yes. It was my duty to see that it was properly done.

Question by same. By whom were you appointed, and by whom commended?

Answer. I was appointed by Gov. Floyd. I was recommended by Lieut. Col. De Russy, engineer department U. S. A., by Major Gwynn, the city councils of Norfolk, Mr. Tunstall, president of the Danville railroad, Joseph Segar, Esq., Capt. Dimmock, E. L. Chinn, principal superintendent of the James river canal, and others.

Question by same. On what works similar to this have you been employed, and how long?

Answer. I have never been on any work just like this; none that was required to be as well done. I was employed in superintending the cornice and column work of the Astor house, I think in 1833. I worked on the dry dock in Virginia, and the United States hospital at Norfolk. I built locks and culverts on the James river canal in 1835. I worked on the fortifications at Old Point, under Col. De Russy, six years. I built the courthouse of Norfolk county of stone and brick in 1846 and 1847, by contract—also the city hall in Norfolk. From there I came to this monument.

Question by same. What do you know about stone being hauled from the square to Rocketts for Laird by the state's teams?

Answer. I know they were hauled. We hauled from the monument for the city and for Laird both. Laird was charged for the hauling. There were some few pieces brought to the square by mistake that would not suit for the monument. We were glad to get them away, and used the teams for that purpose when they would otherwise have been idle. I had some of these stone cut on the square. Laird paid for the cutting. We did all the hauling for the delivery of stone sold from the quarry to Laird, the city and the James river company.

Question by same. Would or not a considerable team have been necessary to remove the refuse stone from the quarry, if it had not been sold?

Answer. Certainly it would. I think it would have been equivalent to the teaming we did keep; besides, we had not room to pile them up.

Question by same. Did you sell to the city of Norfolk, for \$10 50 per perch, such stone as you sold to Laird for \$2 25?

Answer. I sold stone to the city of Norfolk in 1850 for 20 cents, 25 cents and 42 cents a foot. In 1850 Turner came here and wanted me to furnish him stone from the quarry. I agreed to do so. When they were delivered they were of different qualities, and the different prices I have stated were allowed for them. The state paid all the expense of delivering them at Norfolk, and they were at the state's risk until they got there. Laird had a contract to take about 2,500 yards of stone for the locks, of which over two-thirds were to be of a very inferior quality, being such as would always be blown out in quarrying. On those conditions we agreed to let him have this small job to go to Norfolk, at the same rate he was paying for lock stone. I charged him more, however, on account of having more hauling and trouble with them.

Question by Lieutenant Gay. Do you or not know at what price the stone was sold by Laird to Turner?

Answer. I know pretty near. Some of them were sold by the lump, including the cutting. It amounted to some \$800 or \$900 for the job of stone and cutting, or in that neighborhood; I think it did come to quite that. The cutting, of course was the heaviest part of it, and shipping, freight, &c. I think Laird got about 42 cents a foot for some of the rough stone, or they put in the estimate at that. Some of them would not answer, and they were allowed for at a much less price.

Question by same. Is not this a correct copy of the bill of stone sold to Turner in 1850, and this the nett amount paid to me, as per endorsement on the back? [Witness is shewn the paper marked "Rand No. 1."]

Answer. I think this is the amount of stone, and the settlement made by me. I presume these endorsements are right.

Question by same. Were these stone similar to the stone sold to Laird for Norfolk?

Answer. They were some for the same kind of work. But Laird picked them out of the mass of stone sold to him, including the stone sold to him for the locks.

Question by same. Were they not quarried and split out as required for the job at Norfolk, by the state hands at the quarry?

Answer. No more than the lock stone. We went to no more expense for them than for the lock stone. Such stone accumulated there fast enough without quarrying for the purpose.

Question by same. Was not Laird's contract turned over to the James river company when he stopped on the locks?

Answer. Yes. The company took it off his hands on certain conditions.

Question by committee. Was there or not a quantity of stone built into the locks and culvert, of the same sort as Laird got for Norfolk?

Answer. Yes. There was a much larger quantity of it than all that Laird sent to Norfolk. The face stone for the locks was better than that sent to Norfolk, and would have sold as high. The culvert

stone for the sides was inferior, but for the top and bottom was as good as any that went into the locks or to Norfolk. That is, it cost as much to get it out. It required more labor.

Question by Lieutenant Gay. Is not culvert stone sold by the foot for all the stone required for the sides, top and bottom, at a uniform rate?

Answer. Yes.

Question by committee. Who made this contract for the culvert stone?

Answer. Lieutenant Gay.

Question by same. State what you know about stone sold to the Fredericksburg depot by Laird.

Answer. Laird agreed to deliver a few out on the railroad, to take such stone as were lying at the quarry in the way, and commenced delivering it. He had delivered about thirty odd dollars worth, when I received a note from Sharp, that if we did not send better stone, they must cease to take it. I informed him that we could not send any better, and the delivery ceased. I was some time in getting the account of the quantity delivered, from Sharp. When I got it, I charged the stone to Laird, and he settled for it. He paid what the company paid for it exactly.

Question by committee. Whenever you sold stone to Laird, did you or not charge him the same price as you charged others for similar stone?

Answer. I always charged him the same, except when I charged him more on account of extra hauling or other extra trouble.

Question by Lieut. Gay. Did you not know at the time the money was collected from the depot that the contract was turned over to me, and that the money ought to have been paid to me instead of being placed to Laird's account?

Answer. I did not know that you had any contract. You told me you were afraid Laird would not pay for the stone, and I took care that it was paid.

Question by same. How were collections generally made?

Answer. I made some and you made some. You once objected to my collecting, saying that the governor had been finding fault about it. This was once when Laird had handed me in some \$400 and odd, which I was handing over to you. I think that was the time.

Question by same. Why did you pay the money collected of the Fredericksburg depot to Laird instead of me?

Answer. Because I had charged Laird's account with this stone.

Question by same. Had you not given an order for the money to be paid to me.

Answer. I do not recollect giving any such order.

Question by committee. State what you know of the consumption of powder at the quarries between the 3d of May and the 26th of May 1851.

Answer. On January 21st, 1851, I bought for the state 20 kegs, February 7th, 20 kegs, May 3d, 25 kegs, 26th May, 25 kegs, June 18th, 25 kegs, September 23d, 20 kegs. This power was deposited at the magazine, and I ordered out of the magazine, by written orders, in

January, 12 kegs, in February, 2, in March, 6, in April, 4, in May, 14, in June, 18, in July, 14, in August, 4, in September, 10, in October, 8, in November, 8, in December, 4—making 104 kegs of powder. On the last day of May or the first day of June, just as I was starting to New York, I loaned Mr. Laird orders for 12 kegs of powder, until he could arrange to purchase from Wortham & McGruder. On the 10th June, I returned from New York. Mr. Laird, on the 12th June in the morning, handed me an order for 12 kegs of powder, which were returned to the monument powder. Mr. Laird also placed in the magazine on that day 32 kegs, of which I received 12 under the order above referred to. These orders will be produced by Mr. Smith, the keeper of the magazine. He may have other orders of mine not embraced in my statement. That embraces all that Mr. Smith could find when I called on him.

Question by Mr. Gay. Was all the powder ordered by you out of the magazine, sent to the quarries to be used there?

Answer. To the best of my knowledge it was. I know nothing of its going elsewhere, except that loaned to Mr. Laird, which was loaned to him to enable him to purchase by wholesale on the same terms that I had, which he could not do until I could go with him and introduce him to Wortham & McGruder.

Question by committee. Was the stone delivered by Laird to Turner of Norfolk, shipped and delivered in a rough state or was it cut?

Answer. The heavy stone was cut; the small ones were delivered in a rough state.

Question by committee. Was any portion of the stone shipped by Laird to Norfolk suitable for the monument?

Answer. There was not; because there was but four stone shipped to Norfolk that was more than one foot thick. All the exterior courses in the monument require much thicker stone. We had already thousands that were suitable for the interior, and have always for twelve months had on hand enough such stone for two such monuments.

Question by same. State whether Laird's contract for stone shipped to Norfolk was before or after he transferred his contract to the James river company?

Answer. It was before he gave up his contract to the James river company that he contracted for the stone at Norfolk, but he transferred his contract to the James river company before he completed his shipments to Norfolk.

Question by same. Why was he permitted to complete his Norfolk contract after he had given up his contract to the James river company?

Answer. Laird applied to Gov. Floyd for permission to complete his Norfolk contract when he gave up the contract on the locks. He had already taken for the locks, before he gave up the contract, more than a due proportion of locking, and would have been entitled to a large portion of superior stone if he had continued that contract. On this account Gov'r Floyd authorized me to deliver the stone to him upon the same terms as he was entitled to have them under his contract.

Question by same. Was there any partnership between you and Laird about that or any other stone sold from the quarry.

Answer. No.

Question by same. Have you performed any other services for Mr. Laird while superintendent of the monument?

Answer. I have, but at times when it did not interfere with my duties as superintendent. I was paid for such services by Laird, and with the knowledge and permission of the governor.

Question by Mr. Gay. Did you ever shew me the order from the governor to continue to deliver stone to Laird?

Answer. It was a verbal order from the governor. There never was a written order about the sale of stone to anybody that I ever saw or heard of.

Question by committee. Were not many of the orders about the work necessarily verbal orders?

Answer. Certainly. The principal part of them issued verbally from the governor or the architect.

Question by Mr. Gay. Did you not, just before the beginning of the year 1851, propose to me to suggest to the governor the propriety of hiring some 15 or 20 slaves, so as to have them under our own control, and not be troubled with so much day labor, in order that the expenses of the quarry might be reduced.

Answer. I applied to the governor in person for permission to hire slaves of Mr. Tomlin, to which he consented. I hired them. I did give my views to Lieut. Gay, in which he concurred.

Question by same. Would you have increased the force at the quarry to the extent that it was increased, but for the necessity of quarrying largely for Mr. Laird or the James river company.

Answer. I increased the force, under the direction of Governor Floyd and the architect, to get out all the rock necessary for the monument in the year 1851, and close the quarries. There were so many refuse stone coming out that it was necessary to increase the force in order to get the monument stone. I got all necessary for the completion of the monument, except about 2000 feet.

Question by committee. Was the largest force on the quarries before or after Laird gave up his contract with the James river company?

Answer. It was at least one-fourth larger after Laird gave up his contract than it was before.

Question by Mr. Gay. Was that force so enlarged until the former foreman was dismissed, and Mrs. Rand went up there to take charge of the boarding houses for you?

Answer. I never dismissed the foreman, and Mrs. Rand never took charge of the boarding houses. I had a man up there for that. I have no doubt Mrs. Rand did give assistance, by my request, to put the boarding houses in preparation in order to get the force there as required by the governor and architect, believing that my foreman and Lieutenant Gay made every effort to retard the work and defeat the orders of the governor and architect previous to the employment of the latter foreman, Mr. Seavy,

Question by Mr. Burdett. Do you say that the stone sold the James river company, and to all others, was of such inferior quality that it would not answer for the monument?

Answer. I do say that none sold, except a small quantity for grave monuments, and sold at a high price, was suitable for the exterior of the monument. As I stated before, we had a large surplus of such as was suitable for the interior.

Question by committee. Is it more difficult to quarry large stone for the pedestals than such as is suitable for building or for the locks?

Answer. Yes—ten to one. There are very few quarriers that can get out such stone at all. It requires great skill.

Question by Mr. Gay. Are not those stone simply quarried in the large size, and then laid off and dressed by a pattern afterwards?

Answer. In quarrying out large stone, great judgment is required in finding out the seams, and still greater judgment to remove them without breaking them. In getting out a large stone there will be a large quantity of what is called sap stone; all this must be cut off; nothing but the heart of the stone will answer for the monument work; sometimes you may go through 10 feet of sap stone before you will get to the heart stone. The separation of the sap from the heart on a pedestal stone requires great skill and judgment.

John W. Smith, (called at the request of Mr. Rand,) sworn:

Question by committee. State what you know about the powder consumed at the state quarries, or loaned by the superintendent to Mr. Laird.

Answer. Some time in the early part of June, Mr. Rand and myself both thought that he had a little overdrawn his powder, and he told me that Mr. Laird had borrowed some from him, which he would return in a few days. About the 11th or 12th of June, Mr. Rand handed me an order, dated 11th June, drawn by the agent of Dupont's powder, in Richmond, in favor of Laird, for 12 kegs, with an order from Laird, endorsed, to place the amount to the credit of the superintendent of the monument. Mr. Laird deposited for himself on the same day 20 kegs. I am the keeper of the magazine, and powder is deposited with me by everybody. I have examined the statement in Rand's deposition, (page 58,) and find his drafts for powder accurately stated there.

Question by Mr. Gay. Was there any powder deposited with you by Laird before that?

Answer. No—not to his credit. Small quantities are not entered to the credit of any one.

Question by Mr. Rand. Have I ever asked you any question on the subject of this controversy until last week?

Answer. Not within my recollection.

Samuel Laird sworn:

Question by committee. Is there any partnership between you and Rand?

Answer. No. I employed Rand during his spare time to perform sundry services for me, and give me information while I was engaged on the locks.

Charles Severance sworn :

Question by committee. Were you employed about the Washington monument ?

Answer. Yes. I was foreman at the quarry, and had charge of the hands, teams, &c. there. I was there from March 1850 until the 11th of August 1851.

Question by same. Do you know of any abuses committed about the building of the monument or the management of its affairs?

Answer. There was powder said to have come to the quarry from time to time, and I know there was not so much taken there. I understood it first from Mr. Gay. He came to the quarry and said to me that he thought I was using a good deal of powder. He said I must be tearing up the rock very fast. I said I thought I had not been using much. I had not use for a great deal of powder then. I was getting out those big stone, and had got them so loosened up that it was not necessary to use a great deal of powder then. He said he had had an order to send 25 kegs more on the 23d of May. On the third of May 25 kegs had been sent. I don't recollect exactly what day in June there were 25 kegs more ordered—so Mr. Gay told me. I know nothing like that quantity ever came to the quarry. It is impossible to use 75 kegs of powder in such a place within 45 days, or such a matter, without tearing the hill all to pieces.

Question by O. H. Rand. How many kegs do you think were used in May and June at the quarry?

Answer. I should not think I used in May more than five kegs, to the best of my knowledge and judgment. I might have used a little more, and it might not have been as much, in June.

Question by same. How much do you suppose would be used in the whole year in the two quarries last year, supposing 60 or 80 hands were employed?

Answer. It would be hard to say. I was not there the whole year. Some months you might want to use 5 kegs, some months 15 or 18, and some months none. I might not come within 50 kegs of the real amount, if I were to estimate the quantity required for a year. You might not want 100, or you might want 200 kegs.

Question by Lieutenant Gay. How much powder do you think you used in the month of July last?

Answer. I do not remember. It could not have been a great deal. Before this we had got the quarry stripped, and after that was done, less powder was required.

Question by same. Did not Mr. Rand say to you about the end of 1850 that he would try to hire about 20 black hands, and discharge white hands from the quarry, as about 20 hands would be enough to supply the monument, and in getting at the monument stone a considerable quantity of sale stone might be got?

Answer. Mr. Rand said to me about that time that he meant at Christmas to hire 15 or 20 black hands, and discharge all the white hands but one or two. I said I thought it was the best plan, and that he did not need so many hands. He said he thought that by this

means they could supply all the stone, and not go to such great expense as they had been going to.

Question by same. Was not the state's hands provided with sufficient room for their accommodation at the beginning of last year, and was more room wanting, except for the accommodation of Laird's hands?

Answer. There was plenty of room there for all the hands they had.

Question by same. Who boarded Laird's hands?

Answer. I boarded some of them; French boarded some; Miss Sweeney boarded some.

Question by same. Were the additions put up there an additional accommodation to you and French?

Answer. There were some repairs done to the magazine by Mr. Rand's direction, for the accommodation of boarders, but I had plenty of room before for all the monument hands that boarded with me.

Question by same. Was it not necessary to have additional accommodations for Laird's hands, in order to furnish stone to him according to his contract?

Answer. I don't know what the contract was. Generally, when a man buys stone, he is to take it away. Laird left stone lying there at the quarry very much in our way, while they were cutting them there.

Question by same. If it was necessary to have the stone cut there, was it necessary to have additional accommodations for hands to cut them?

Answer. If there was not room enough to accommodate all, of course there would have to be more provided. I think there was plenty of room there for all the hands, both the state's and Laird's. I thought we had more hands there than we could work to advantage.

Question by Lieutenant Gay. Were not the state's teams greatly used in hauling the stone for Laird to and from his sheds?—and was not some of that stone handled three or four times at great expense?

Answer. We hauled some of it, I believe, two or three times back and forwards. Of course it was some expense.

Question by committee. Was the same trouble and expense incurred with the stone for the James river company?

Answer. It was all the same.

Question by Lieutenant Gay. If you had been furnished with a bill of stone of different sizes, would not a good deal of stone that was cut up for the locks been suitable for the monument?

Answer. Probably there might have been some that would have done for the inside. Probably there might have been some that would have done for the outside, if the courses had not been overly large.

Question by same. Do you think any of the stone at the new quarry would have been more suitable for the monument than a good deal of what was got out for the locks?

Answer. There might have been difference of opinion about that, but I don't think the stone of the new quarry would be suitable in color for the outside.

Question by same. Is it more difficult to quarry stone in the large blocks required for the pedestals of the monument (except in the amount of labor) than stone for the locks?

Answer. As for the drilling and splitting part, if the rock is big enough, there is no difference except in the amount of labor. It takes a great deal more labor to handle the large stone after the splitting is done.

Question by same. Did not Mr. Rand send hands from the quarry to work on the locks?

Answer. Yes.

Question by same. Did not Rand propose to me to let Laird have the backing stone for the locks at seventy cents and the face stone at a dollar?

Answer. Yes.

Question by O. H. Rand. How many blocks of stone did we lose in quarrying for the six pedestals?

Answer. I don't recollect. I don't consider that we lost any, for if the big stone happened to run out a little too small, it would answer for something else. I recollect one that ran out too small, and we cut it up for something else.

Question by same. What did we value the getting out and loading of these stone at for the pedestals?

Answer. I believe Mr. Rand valued it at two hundred dollars a piece, and I don't know that they could be bought for less.

Question by committee. Why are such stone worth so much?

Answer. First, on account of the quantity of stone in them, and then there is the labor of handling. I don't know that there is much more skill required in getting them out than in smaller stone. Of course a man has to be more particular. It takes more skill to move them; that is, in managing the rigging, &c.

Question by O. H. Rand. Were you not in favor of going into the new quarry?

Answer. Yes. I thought there would be good stone there, and I thought the quarry we were working was going to give out.

Question by same. Were not my orders to you, as foreman at the quarry, to work exclusively for the monument, and not to get out stone for other purposes, except such stone as would be got out in quarrying for the monument?

Answer. You told me to keep the lock men going—that is, the cutters. The first order was to work for the monument. You told me to quarry and keep the good stone for the monument, and also to keep the lock cutters going.

Question by committee. Did you ever complain when you were there of any waste or abuses of Mr. Rand at the quarries?

Answer. All the complaint I ever made was what I said to Gay about the powder, as before stated.

Question by same. Was or not the work at the quarries driven on with all possible economy and despatch?

Answer. I think while I was there everything went on as well as it could go on.

Question by Lieut. Gay. Was it necessary to increase the force at the quarries to the extent it was increased while you were there but for the quarrying required for the locks?

Answer. No. It would not have taken as much force for the monument alone.

Question by Gov. Floyd. Was it necessary to increase the force in order to get out all the stone for the monument by October?

Answer. That would depend on how many were wanted, and on the situation of the quarry. That was the hardest quarry to work almost ever I was in. A great many hands could not work on it to advantage.

Question by O. H. Rand. Was it not necessary to quarry a great many bad stone to get the good ones?

Answer. Yes.

Question by committee. How did you order powder for use?

Answer. I generally sent by Rand for it when I wanted it. Generally 3 to 5 kegs came at a time.

Question by same. Did the state continue to pay the hands sent from the quarry to the locks by Rand, after they went to the locks?

Answer. No. Laird paid them.

Question by O. H. Rand. Did you not say to me and Laird that the stone furnished Laird for the locks were worth ten cents less in the yard than the stone for the culvert?

Answer. Yes.

Question by same. Did I not say that Laird should pay \$1 25, as much as anybody else?

Answer. Yes.

MARCH 18, 1852.

Mr. Henry Seavy sworn:

Question by O. H. Rand. Are you a quarryman in granite? If so, state how long you have been in the business.

Answer. I have been in the stone business ever since 1825.

By same. What time in the year 1851 did you take charge of the state quarry?

Answer. I think I left the capitol square the 12th of August 1851.

By same. State how much powder you used per month from that time until the end of the year?

Answer. I think that I used in some months more than I did in others. Some weeks I used six kegs in a week. I think that I averaged about three kegs a week from the time I commenced until I quit the quarry.

By same. Did you find any powder at the quarry when you took charge of it?

Answer. Yes, there were some five or six kegs there, some of them had had some powder taken out of them. In quantity, some four or five full kegs.

By same. From your knowledge of the state quarry previous to your taking charge of it, how much powder do you think it would take per month in working thirty men in removing and clearing upon that quarry?

Answer. As near as I can calculate, it would take more powder in clearing away the rubbish and rotten part of the stone; it would take three kegs of powder per week, which would be more than would have been required if the rock had been solid.

By same. Was there not a great deal of clearing during the three months previous to your taking charge of the quarry?

Answer. I do not know as to that; there was a great deal of clearing done from January to August—a large quantity of it.

By same. What amount of powder do you think it would take to carry on the quarries in the year 1851, embracing the twelve months?

Answer. I should think from what powder I used, as I had no clearing off to do, as near as I can judge, it would take about from 140 to 160 kegs during the year.

John A. Temple sworn:

Question by O. H. Rund. Are you a workman in stone, and if so, how long have you been at the business?

Answer. Twenty-five years this present month since I commenced the stone business.

By the same. How long have you been employed on the Washington monument?

Answer. About eighteen months.

By same. Have you had a good opportunity of observing the manner in which the work has been conducted, and if so, state whether or not it has been carried on with industry, economy and skill?

Answer. I suppose I have had as good opportunity or perhaps better than anybody else, as far as the work is concerned about the capitol square, and it has been conducted with economy as well as it could have been done.

By same. Have you ever seen work executed in granite equal to that done upon the monument?

Answer. I never did in all my travels and experience; I never saw such a piece of work done anywhere.

Charles Wood sworn:

Question by O. H. Rund. From the knowledge you have of carrying on quarries how much powder do you think would be necessary in carrying on the state quarries during the year 1851?

Answer. From one to five per day. I suppose they would have used over three hundred kegs a year.

By same. Did you not have a good opportunity of knowing what quantity of stone was gotten out during the year 1851?

Answer. I could not state the quantity gotten out; there was a good many stone gotten out independent of those gotten for the monument.

By same. Did you not purchase a considerable quantity of building stone from the state quarry during the years 1850 and 1851?

Answer. I did.

By same. Is it not common to buy powder in much larger quantities than is required for immediate use? and is it not called for from the magazine in small parcels as is needed?

Answer. When it is purchased in large quantities, it can be bought for less than if bought by small quantities. When deposited in the magazine, it can be drawn by small quantities from one to ten kegs per day, as required for the quarry.

James J. Colby sworn:

Question by O. H. Rand. What time in 1850 did you take charge of the state quarry as master quarryman?

Answer. On the 10th of March 1850.

By same. What quantity of powder do you think you used per week or month while you had charge of the quarry?

Answer. I should think about three kegs per week; probably we might have used a little more, perhaps about fourteen or fifteen kegs per month. We worked about fourteen or fifteen hands.

Question by same. How many years have you been working at the business, cutting stone and quarrying.

Answer. Twenty-two years.

By same. Have you ever seen work executed in granite equal to that done upon the Washington monument?

Answer. No, I do not know that I ever did. I never did see any granite of this description cut so well.

By same. Do you think the work could have been done by contract equal to this upon the monument, at any price that could have been agreed upon, in all respects?

Answer. No, I do not think it could have been done by contract; it is work that could not be got at by piece work, or by contract.

MARCH 20, 1852.

Pleasant Roache sworn:

Question by O. H. Rand. When did you commence working in the state quarry?

Answer. Some time in March 1850, I think in the latter part of the month.

Question by same. Were you captain of the boats in 1850 and 1851?

Answer. I was.

Question by same. Did you carry up the powder to the quarry in 1850 and 1851, and deliver it to the foreman at the quarry?

Answer. I did—that is, I carried the principal part of it and delivered it. Some was carried by wagon when the water was out of the canal.

Question by same. State how much you carried per month in the years 1850 and 1851.

Answer. I think I carried from 12 to 15 kegs per month, to the best of my knowledge; sometimes two, sometimes four, and sometimes six kegs per week.

Question by same. Who was the principal blaster at the quarry in 1851?

Answer. James O'Connor.

Question by same. Was not Mr. Severance, the foreman of the quarry, frequently absent from the works?

Answer. I can't say how often he was absent. I have known him to be absent several times, and three or four days at a time.

Question by same. Did not the quarrymen complain to me (O. H. Rand) of Mr. Severance's absence, and of his not laying off work, and causing them to lose time in good weather?

Answer. I do not recollect of hearing such complaints—and further this deponent saith not.

DOCUMENTS.

CHARGES SUBMITTED BY MR. BURDETT.

It is charged:

First—That quarries for the state were opened at heavy expense, and abandoned and let to go into the hands of private contractors, which enured to the injury of the state.

Secondly—That powder, tools and horse feed have been taken for private purposes, and not accounted for.

Thirdly—That men have been paid for labor who never performed it.

THE COMMONWEALTH OF VIRGINIA,

To the Serg. at Arms of the House of Delegates, Greeting:

You are hereby commanded to summon Edward S. Gay, Lewis Severance, James Martin, Aquilla Jenkins, Willis or William Thoms, Charles Severance, Capps, Dudley, Robert Morisett, Charles Galbreath, John Williams, John W. Davies, French, and John J. Palmer, to appear at the capitol in the city of Richmond, on the second day of March, at 9 o'clock, in the register's office, before the select committee appointed to investigate the expenditures and other matters connected with the erection of the Washington monument, to testify and the truth to speak. And have then there this writ.

Witness, *George W. Munford*, clerk of the house of delegates of Virginia, this 1st day of March 1852.

GEORGE W. MUNFORD,
C. H. D.

Executed on Dudley, Galbreath, Palmer, Gay, Martin, Jenkins and Lewis Severance.

WM. A. STREET,
Serg't at Arms H. D.

Thoms, Charles Severance, Capps, Morisett, Williams, Davies and French not found.

WM. A. STREET,
Serg't at Arms H. D.

RICHMOND, Feb. 25, 1852.

Mr. Chairman.

SIR,

We, the undersigned, are willing to testify in relation to the affairs relating to the Washington monument, now under investigation.

| Names. | | Residence. |
|--------------------|---|---------------------------|
| Lieutenant Gay, | - | State Arsenal. |
| A. French, | - | State Quarry. |
| L. Stevens, | - | James river company lock. |
| John Fensom, | - | At McCloy's stone yard. |
| Chas. Galbreath, | - | Jackson street. |
| James Martin, | - | Exall's quarry. |
| John W. Davies, | - | Rogers' stone shop. |
| John Williams, | - | " " " |
| Robt. Morriset, | - | At Wood's stone yard. |
| Mr. Jenkins. | - | |
| William Thom. | - | |
| Charles Severance, | - | Manchester. |

The Committee on the Monument.

GENTLEMEN,

Please summon the following persons to appear before you and testify in the premises :

James Martin—Foreman at Mr. Exall's quarry, two or three miles up the canal.

Aquilla Jenkins—Now in the employ of Henry Exall, in or near the city.

Willis or Wm. Thoms—In the employ of Mr. Bates, stone cutter, on or near Virginia street.

Lieutenant Gay—At the armory.

Charles Severance—In Manchester.

Questions for the above Witnesses.

It is charged by public rumor, which has found its way into the public newspapers, uncontradicted, that those who have been entrusted with the erection of the state monument on the public square have appropriated to their own use and purposes the following property belonging to the state, namely :

The public moneys.

The public stone quarries.

The stone, tools and powder.

Lime, hay and other horse feed.

The horses, &c., belonging to the state.

Do you know that any of this property has been made use of for private purposes? If so, by whom was it so used?

Feb. 27, 1852.—Handed in by *John J. Palmer*, at the request of several citizens:

Palmer knows nothing whatever on the subject, and shall be gratified when his political friends shall exculpate themselves from the charge or charges long and industriously made; and he believes a report of a committee on the subject the very best plan to do justice to all parties.

RICHMOND, March 1, 1852.

*To the Washington Monument Investigating Comm'ee
of the House of Delegates of Virginia.*

GENTLEMEN,

I am informed that considerable blame is attached to Lieut. Gay for participating in the charges preferred by myself against those having charge of the construction of the Washington monument; therefore I think it is due to him that I should state most candidly that he has had nothing to do with the exposure made by me; it was done by me alone, and entirely without his knowledge, until it appeared in the public prints; nor am I sure that he has ever taken the trouble to notice it in that form. I never had any conversation with him in relation to the matter prior to my making it publicly known. I hope you will excuse me for addressing this note. I felt it my duty to a gentleman, and faithful and trusty officer, that I should, as far as in my power, exonerate him from any censure from those implicated.

I am,

Very respectfully, yours,

LEWIS SEVERANCE.

RICHMOND, May 25, 1850.

His Excellency Governor FLOYD.

DEAR SIR,

Mr. Rand, the superintendent of the Virginia Washington monument, states that you would have reference to my opinion with regard to the compensation he should receive for the services he has and will render to the work in his charge; and I would respectfully state, that considering the various and responsible duties he has to perform, and that the whole of his time will have to be devoted

to their fulfillment, he is fully entitled to receive equal remuneration with others performing like duties on other public works, which amounts to a per diem compensation of five dollars, or at the rate of fifteen hundred dollars per annum.

Respectfully submitted.

ROBERT MILLS,
Architect V. W. Mt.

JUNE 3, 1850.

At the request of Mr. Rand, I this morning had a conversation with Major Gwynn relative to the pay of the superintendent of the Washington monument. He says he should suppose a salary of \$1,500 per annum would be reasonable.

Respectfully,

E. S. GAY, P. M.

PATENT OFFICE, 29th June 1850.

Sir,

At your request I made examination of 4 specimens of granite herewith returned to you. The specimens are labeled Nos. 1, 2, 3 and 4, and were examined chemically, to ascertain whether they contain iron—and if so, how much?

One gramme (about 15 grains) of the stone from each sample was examined, and found, on preliminary trial, to contain iron in the state of the protoxide, which, in the state of combination found, is nearly colorless; but as the rock is exposed, the iron becomes peroxidized and tinged the well known iron rust color, from the absorption of oxygen from the atmosphere.

The samples of the stone were broken in the crusher, and then reduced to an impalpable powder in the agate mortar; and after the mineral had been sufficiently tested for foreign metals that might interfere, a weighed gramme of each was dissolved in nitro-muriatic acid to dissolve and peroxidize the iron; it was precipitated by ammonia, filtered, washed, dried, ignited and weighed:

| | | Gramme. | Gramme. |
|----------------------------------|---|---------|--------------|
| No. 1 gave, of peroxide of iron, | - | 0.0208 | Iron, 0.0138 |
| 2 " " " | - | 0.0090 | " 0.0062 |
| 3 " " " | - | 0.0130 | " 0.0091 |
| 4 " " " | - | 0.0326 | " 0.0224 |

The coloring of the iron injuring the beauty of the stone seems to be the chief objection to it. It cannot affect its durability as a building

material, and the iron can be washed off by muriatic acid when it shall have discolored the stone.

The mechanical character of the stone I have not made the subject of experiment.

It will be perceived that the first column shews the amount of iron as it would be when strined, and the second shews the amount of metallic iron absolutely contained in the stone, both indicating a per centage. No. 1 contains one and 38 hundredths per cent. of metallic iron; No. 2, 62 hundredths of a per cent., and so on.

Respectfully,

L. D. GALE.

ROBERT MILLS, Esq.,
Architect of the Patent Office Building.

EXECUTIVE DEPARTMENT,
Richmond, March 26, 1860.

Lt. E. S. Gay (of the public guard) is hereby appointed paymaster or disbursing agent of the hands employed in preparing materials and erecting the Washington monument, and will conform to the following regulations:

1. All purchases necessary to carry on the work shall be made on the written order of the paymaster.

2. All bills and accounts presented to the paymaster for collection shall be accompanied by his orders, upon which he will certify their correctness to the proper authority.

3. Check rolls to be kept by the foreman or principal superintendent of the hands employed and daily marked. The said check rolls to be certified, once a month, to the paymaster by the superintendent, shewing the number of days and price per day of each hand, upon which the paymaster will make out a pay roll, and certify the same to the governor, who can order the amount to be paid to the paymaster, and by him paid over to the hands, taking duplicate receipts for said payments.

4. The foreman at the different working places shall keep a roll of the hands employed under him, and every day at the hours appointed to commence work, he shall call the roll, and check all absentees a $\frac{1}{4}$ of a day, or such longer time as he or they may be absent.

5. One hour shall be allowed the hands for each meal, breakfast and dinner. The principal superintendent shall, on the return of the laborers from dinner or breakfast, call his roll once a day, and note absentees as above.

6. The paymaster shall have a general supervision and control over all agents, and hands employed under the architect, so far as to see the labor faithfully performed by them, but not to direct the mechanical operations; and he is hereby required to visit the different work-

ing points frequently, and any time he may think proper to do so, to order a roll call in his presence, and absentees to be checked as above, unless absent by order of the superintendent, and that on public duty.

ARTICLES OF AGREEMENT, entered into this 27th day of June 1850, between Thomas Crawford of the city of New York, of the one part, and John B. Floyd, governor of the commonwealth of Virginia, for and on behalf of the said commonwealth, in pursuance of an act of assembly, of the other part, witnesseth:

The said Thomas Crawford covenants and agrees on his part, in accordance with a design and description furnished by him for the Virginia Washington monument, and now in the possession of the said J. B. Floyd, governor as aforesaid to model, and complete in bronze, of a rich and beautiful color and of the best quality, the following statuary, shields, wreaths and stars, to constitute a part of the said monument, now being erected by the state of Virginia on the capitol square in the city of Richmond, to wit:

One equestrian group, representing General George Washington on horseback; the portraiture and costume to be similar to that represented by Houdon's statue of Washington, now in the capitol in the said city; the group to be enriched by the proper introduction of gold on such parts of the costume as may require it; the height of said equestrian group, when completed, to be not less than fifteen English feet, measuring from the upper surface of the platform upon which said group is to stand, to the top of the chapeau of the general.

One full length pedestrian statue representing Thomas Jefferson, and another such statue representing Patrick Henry; the portraiture of each to be taken from the best likenesses to be obtained, and the costumes to be the dress most commonly worn by each in the performance of his public duties. Each statue to be not less than ten English feet in height.

Two shields, having upon the surface of one the coat of arms of Virginia, with its motto, as represented on one side of the great seal of the commonwealth, and upon the surface of the other the figures represented on the reverse of the same seal, with the motto thereon. Each of said shields to be not less than six English feet in height. Each shield to be surrounded by a wreath of laurel and oak leaves combined.

Thirteen wreaths of laurel and oak leaves, each wreath to be not less than sixteen English inches in height.

Thirteen stars, each to be not less than fifteen English inches in height.

And the said Thomas Crawford further covenants and agrees to complete the said statuary, shields, wreaths and stars in the best manner, according to his said design, on or before the twenty-second day of February eighteen hundred and fifty-six. And he further covenants and agrees, to cause the same, as soon as completed, to be properly cased and boxed at his expense, and to be placed in good condition on

board some safe and suitable vessel bound for the city of Richmond, Virginia, (*via* New York if absolutely necessary,) and to contract with the master of said vessel to deliver the same in like condition to the governor of the state of Virginia, or to his duly authorized agent, for such usual freight as may be agreed upon between said Crawford and said master. And said Crawford further covenants and agrees to cause the said statuary, shields, wreaths and stars to be properly insured for the commonwealth of Virginia against all damage and loss, from the time of completion until delivered to the governor aforesaid, or his authorized agent in the city of Richmond. All damage and loss prior to the time of completion to be borne by the said Crawford.

In consideration of all which covenants and agreements on the part of the said Thomas Crawford, the said John B. Floyd, governor as aforesaid, for and on behalf of the commonwealth of Virginia, covenants and agrees that the said commonwealth will cause to be paid to the said Crawford, or his authorized agent, at the treasury of the said commonwealth, in lawful money of Virginia, the following sums, to wit: For the said equestrian group, the sum of thirty thousand dollars; for each of the said pedestrian statues, the sum of nine thousand dollars; for each of said shields, the sum of two thousand dollars; for the said thirteen wreaths and thirteen stars, the sum of nine hundred and seventy-five dollars—making for the said statuary, shields, wreaths and stars, the total sum of fifty-two thousand nine hundred and seventy-five dollars. But it is understood and agreed, that the sum aforesaid shall be paid to the said Crawford, or his authorized agent, at the time and in the manner following:

The sum of ten thousand dollars as an advance to enable him to commence the said work, to be paid when he shall have delivered to the said John B. Floyd, governor as aforesaid, or his authorized agent, a bond duly and legally executed to the commonwealth of Virginia, by John Ward, Esq. of the city of New York, for the sum of ten thousand dollars; said bond to be held as security by the said commonwealth until the said Crawford shall be entitled to receive the amount of said bond in payment for his said work as hereinafter specified.

When the resident minister, charge d'affaires or consul, duly appointed by the United States government, for the city or capital in which the said statuary shall be modeled, shall certify that said two pedestrian statues and one of said shields are in all respects ready to leave the studio of the said Crawford for the purpose of being cast in bronze, then, upon the presentation of said certificate properly authenticated, the said Crawford shall be entitled to the sum of eleven thousand dollars; to the payment of which the said ten thousand dollars advanced as aforesaid shall be considered as applied, and the remaining one thousand dollars shall be paid to the said Crawford, or his authorized agent, in money as aforesaid; and the said John B. Floyd, governor as aforesaid, further covenants and agrees that the bond executed by said John Ward shall then be delivered to said Ward, or his authorized agent, upon demand.

When the accredited agent of the United States government as aforesaid shall give a certificate, stating that the said equestrian group is in all respects ready to leave the studio of the said Crawford for the purpose of being cast in bronze, then, upon the presentation of said certificate properly authenticated, the said Crawford, or his agent, shall be paid the further sum of fifteen thousand dollars. But if the models for said equestrian group shall be completed before the models for said two statues and one shield, and the certificate stating that fact shall be presented before the certificate stating the completion of the models of said statues and shield, then the ten thousand dollars advanced as aforesaid shall be deducted from the said fifteen thousand dollars, and the sum of five thousand dollars shall only be paid to the said Crawford—it being understood and agreed between the said parties that the said sum advanced shall be in part of the first payment for said work; and if the contingency herein specified shall happen, then the bond as aforesaid shall be delivered up as aforesaid.

When the accredited agent of the United States government as aforesaid shall give a certificate, stating that either of the said pedestrian statues has been successfully cast in bronze, there shall be paid to the said Crawford, or his agent, two thousand two hundred and fifty dollars; that the equestrian group has been successfully cast in bronze, there shall be paid in like manner seven thousand five hundred dollars; that either of said shields has been successfully cast in bronze, there shall be paid in like manner five hundred dollars; that the said thirteen wreaths and thirteen stars have been successfully cast in bronze, there shall be paid in like manner seven hundred and twenty-nine dollars—each of said sums to be paid upon the presentation of said certificate.

When each of said pedestrian statues is received in the city of Richmond, completed as specified herein, the said Crawford shall be paid the sum of two thousand two hundred and fifty dollars; when the said equestrian group is so received, the sum of seven thousand five hundred dollars; when each of said shields is so received, the sum of five hundred dollars; and when the said thirteen wreaths and thirteen stars are received, the sum of two hundred and forty-seven dollars. All which payments are in full of the amounts specified to be paid for the whole work herein mentioned.

And the said John B. Floyd, governor as aforesaid, further covenants and agrees that the said commonwealth of Virginia will cause to be paid to the said Thomas Crawford the sum that may be paid or contracted to be paid by him on account of the insurance of said equestrian group, statues, shields, wreaths and stars, from the time of their completion as aforesaid until received by said commonwealth in the city of Richmond; and also the sum that may be paid or contracted to be paid by him for freight on the same from the port at which they are shipped to the said city of Richmond—the amount in either case being not more than the customary insurance or freight upon such articles.

And it is further understood and agreed between the parties herein, that if any one or more of the models specified herein shall be finished

in the studio of the said Crawford, but not cast in bronze, and the said Crawford shall then die, or from any cause become unable to complete the same, the right of property in the said model shall immediately vest in the commonwealth of Virginia, and the governor thereof shall have authority to appoint an agent; and full power and authority are hereby given said agent by said Crawford to take possession of the said model or models for the said commonwealth, to make such use thereof as her constituted authorities may deem proper. And if in like manner any one or more of said statues, shields, wreaths and stars shall have been cast in bronze, but not delivered in the city of Richmond, and the said Crawford shall die, or be unable to deliver the same according to the stipulations herein set forth, then in like manner the right of property in the same shall vest in the commonwealth, and like proceedings may be had, and like authority is hereby conferred to take possession of the same for the use of the Virginia Washington monument. And if the sum stipulated to be paid in either case has not been paid by the said commonwealth, then, upon taking possession thereof, the amount stipulated to be paid for the said work, as far as executed, shall be paid to the executor or administrator of said Crawford, legally authorized to receive the same.

But if the said work should be executed and delivered according to agreement, then the said models shall be retained by the said Crawford for his own use and behoof.

In testimony whereof, the said Thomas Crawford hath subscribed hereto his name and affixed his seal. and the said John B. Floyd, governor of the commonwealth of Virginia, hath subscribed his name, and caused the lesser seal of the commonwealth to be affixed hereto, the day and year first above mentioned.

[Seal.]

OFFICE ARCHITECT VA. WASHINGTON MONUMENT,
Richmond, December, 1851.

*To his Excellency JOHN B. FLOYD,
Governor of the State of Virginia.*

SIR,

I have the honor to submit to you the following report on the progress, present state and future completion of the Virginia Washington monument, placed under my charge as architect of the work.

The progress made in this construction since my last year's report, has been as rapid as the importance and character of the work would admit. The *star base* has been raised and completed, the six pedestals for the pedestrian group all set in their places, and the first course of the surmounting pedestal, to receive the equestrian group, placed in position above these pedestals.

The massive *granite door* which closes the entrance into the monument has been put into its place, hung and secured in a substantial manner by a suitable brass lock.

A large quantity of granite, materials, &c. have been collected on the ground, and the quarries, from whence this granite has been obtained, are most favorable to the delivery of all the stone required by the work to complete the design, as originally agreed on, in time to receive the groups of figures as soon as prepared.

All the granite used in the construction of this monument has been obtained from the quarries belonging to the state, except a few blocks used in the interior of the building, which were obtained from an adjoining quarry.

The qualities of the stone of which this monument is composed are of a superior kind, both as regards color, durability and strength. Nothing can surpass the beauty of the finish on the face of this material, as exhibited on the monument, or the uniformity of color and the closeness of its grain, which admits of remarkably *fine joints* in the courses. The palm of superiority to any granite construction in this country or any other has been unqualifiedly given to this work.

The erection of this monument has been the means of developing the richness of this material, and its abundance within a few miles of this city, and on the navigation of the James river canal, so that economy enters into the merits of the material for building purposes, whether by the state or by individuals. But a few years have gone by since the introduction of this granite into practical use for finished and ornamental work. It splits out in remarkably true and square masses, and works freely under the hammer and chisel; it would make a beautiful facing to a public building, so that when the legislature shall order the enlargement of the capitol of the state, this material may enter into its construction with economy. So highly has this granite been appreciated by the general government, that I understand it has been selected for the facing of the basement of the wings of the capitol of the United States, now in the course of erection at Washington. You will recollect, sir, that before we commenced the work of the monument, your excellency directed me to have an examination of this stone, to test its component parts and its durability, which was done, and the result reported favorably to you.

As we have secured all the stone required for this monument, the quarry operations under our superintendence have, according to your instructions, ceased, and our attention henceforth will be devoted entirely to the construction of the work.

From the peculiar character of the *dimension* stones required for this structure, and the difficulty of being supplied from other quarries upon terms advantageous to the interests of the work, it was decided best for our operations to be independent of such contingencies, and that we should quarry our own stone, having the command of the state quarries free of charge. The result of this operation will be seen by the following exhibit; and while it will be evident that economy has been realized by this act, having obtained our stone at considerably less cost than by contract in the usual way, and besides se-

cured a better quality of stone by rejecting all stone which did not come under the fixed standard of color, as well as dimensions and quality :

| | |
|---|---------------------|
| The cost of working the quarries, including the stock engaged in boating the stone, amounts to, by estimate, | 32,000 00 |
| The cubic feet of stone quarried and delivered at the monument amounts by measurement to 84,572 cubic feet, which, at 35 cents per foot, is | 29,600 20 |
| Difference, | <u>\$ 2,399 80.</u> |

| | |
|---|--------------------|
| The sale of the refuse and rejected stone coming out in the quarrying for the dimension stone, and the tolls to be refunded by the James river canal company for the monument stone amounts to, by returns, | <u>\$ 9,475 00</u> |
|---|--------------------|

| | |
|---|------------------|
| Amount of credit to monument fund, | 7,075 20 |
| If to this we add the value of the stock employed, estimated, | <u>10,000 00</u> |

| | |
|------------------------------|--------------------|
| We thus have to this credit, | <u>\$17,075 20</u> |
|------------------------------|--------------------|

| | |
|---|-------------|
| So that our stone for the monument did not actually cost us more than | \$12,525 00 |
|---|-------------|

Which is a fraction less than 15 cents per cubic foot.

If this stone had been contracted for, it could not have been delivered on the monument ground per cubic foot for less than an average of 60 cents per foot.

Thus it will be seen (from the above exhibit) that economy has entered into this plan of operations on these quarries in favor of the monument.

I will now present a statement of the actual cost of the monument in connection with the working of the quarries, up to the 1st of November 1851 :

| | |
|--|---------------------|
| Paid, as per auditor's warrants, and countersigned by paymaster, | 71,675 60 |
| Rock sold, tolls to be refunded, value of stone at the quarries and on monument grounds, value of stock and contingencies, as per account submitted, | <u>25,310 42</u> |
| Present cost of the monument work, | <u>\$ 46,365 18</u> |

That we may judge of the value of the "modus operandi" adopted in carrying on this work, compared with the usual mode of carrying on such work by measurement or contract, I will here present an estimate of the value of such work and materials used in this monument, according to the value of same by measurement :

ESTIMATE.

| | | | |
|--|---|---|--------------|
| Foundation : | | | |
| 64,700 cubic feet of large size stone laid in hydraulic mortar, at 30 cents, | - | - | 19,410 00 |
| Cost of foundation, | - | - | 19,410 00 |
| Superstructure : | | | |
| 1050 running feet of mld. steps, at \$3, | - | - | 3,150 00 |
| 1400 sup. feet on face platform steps, at \$2 50, | - | - | 3,500 00 |
| 1740 " " of lower pedestal base, at \$5, | - | - | 8,700 00 |
| 250 ft. mld. work to " at \$7, | - | - | 1,750 00 |
| No. 6 large eagle bases and caps, at \$300, | - | - | 1,800 00 |
| 5150 sup. ft. face measure to star base and equestrian base, at \$2 50, | - | - | 12,875 00 |
| 669 sup. feet of mld'gs and rabetes, at \$5, | - | - | 3,345 00 |
| 250 ft. sunk gutters on pedestals, at \$1 | - | - | 250 00 |
| | | | 54,780 00 |
| Contingencies, superintendence, &c. | - | - | 10,956 00 |
| Estimate of total cost of monument, | - | - | \$ 65,736 00 |

From the peculiar character of the work on this monument, its *extra* finish, delicacy of mouldings, extraordinary breadth of beds of the courses of stone inside and out, sharpness of the joints and the multitude of these joints, the prices affixed in the above estimate would barely afford a profit to a contractor for the work. Taking into account the extraordinary masonry which enters into the construction of the walls, and the extra work on the inside stairs, heavy granite door of entrance &c., the 20 per cent. added under the head of contingencies, &c. would scarcely more than suffice to cover these extras.

I would now present a comparative view of the cost of the monument under the two systems of operation in carrying on the work.

First—The contract system :

| | | | |
|--|---|---|--------------|
| Furnishing 84,572 cubic feet stone on the monument | | | |
| ground, at 50 cents per cubic foot, | - | - | 42,286 00 |
| Estimate of the work, and setting ditto, | - | - | 20,046 00 |
| | | | 63,046 00 |
| Contingencies, superintendence, &c. | - | - | 12,609 20 |
| Cost of the work on the contract system, | - | - | \$ 75,655 20 |

| | | | |
|---|---|---|--------------|
| Second—The day's work system and working the quarries : | | | |
| Furnishing 84,572 cubic feet of stone on the monument | | | |
| ground, at 30 cents per foot, | - | - | 25,371 60 |
| Estimate of the work, and setting, | - | - | 20,760 00 |
| | | | <hr/> |
| | | | 46,131 60 |
| Contingencies, superintendence, &c. | - | - | 10,756 00 |
| | | | <hr/> |
| Cost of the work on the day's work system, | - | - | \$56,887 60 |
| | | | <hr/> |
| Difference to the credit of the latter, | - | - | \$ 18,767 60 |

Thus, by the system upon which the work has been conducted, there has been a saving, in the article of stone alone, of \$16,914 40, besides a further credit arising out of the sale of stock, estimated at \$10,000.

By this exhibit the fact may be considered as established, that the system of operations under which the work has been conducted has resulted to economise the means provided for the monument; and we may look forward to the completion of the architectural department of it for a sum not exceeding \$16,000, as reported to your excellency on the 6th instant.

All which is respectfully submitted.

ROBERT MILLS,
Arch't Va. Washington Monument.

N. B.—It would be proper for me to state here in conclusion, that owing to the *great depth* given the foundation of this monument, a considerable mass of materials and work had to be expended there which did not enter into the *original* estimates for the work. A moiety of the depth dug would have been ample, and which would have reduced the expense one-half, and consequently saved us some ten thousand dollars.

R. M.

His Excellency JOSEPH JOHNSON,
Governor of the State of Virginia.

I have the honor to present to your excellency the following report on the progress and present state of the Virginia Washington monument placed under my charge :

The progress of this work during the past working season has been commensurate with the importance of the same. The operations of the last year were confined to the cutting of the stone, and setting of the same to the *star base* surmounting the sub-base; and in addition to this, the preparation and setting of the *six pedestrian pedestals* sur-

mounting the star base, as also the cutting and hanging of the massive granite door leading into the monument.

The whole of this work has been executed in a most masterly manner, and the greatest care taken to select the material of granite of which it is formed. Having the advantage of working the *state quarries ourselves*, we have had an opportunity of selecting and securing the *best stone*, and of *uniform color*. We are indebted to the good judgment of your predecessor for effecting this, which has resulted in securing us a material which is not surpassed anywhere, and a work which has been generally admired.

The first course of the *equestrian base* is cut ready to be set, and considerable stone has been quarried and delivered on the ground for winter and spring operations.

Having secured all the *principal* blocks of stone required to complete the monument according to the original design, your predecessor directed us to close our operations at the quarries, which has been done; and to enable the work to secure the advantages of procuring what additional stone might be required, a contract was formed with the gentleman who worked the adjoining quarries, to furnish us with such stone as we may require, out of the state quarries, at specific prices, which were much less than could be realized elsewhere.

We have thus secured every advantage in obtaining what material we may want to finish the work, and at the least cost.

Estimates for completing the architectural department of the monument have been rendered your predecessor, ex-Governor Floyd, which I have the honor of repeating here, namely: sixteen thousand dollars.

Respectfully submitted.

ROBERT MILLS,
Architect of the Va. Wash. Mon.

Richmond, Jan. 20, 1852.

CITY OF RICHMOND, May 16, 1851.

His Excellency Governor FLOYD.

DEAR SIR,

According to your instructions, I have examined the granite quarries from which the stone used in the construction of the Virginia Washington monument is obtained, as respects their capacity to supply the necessary demands of this work, and would respectfully report as follows:

1st. In company with the gentlemen selected by yourself, Mr. Wood and Mr. Mahony, practical men in their business, I examined these quarries, and the result arrived at, after a careful examination, was, that the stone remaining to be quarried here was not of a description

suitable to be used in the work of the monument, and no dependence could be put upon working into it further, that such stone would be obtained.

2d. As further requested, we also examined other localities of this stone in the neighborhood of the state quarries, and found, after the search, that stone of equal quality and color with that at present in the building, could be obtained here, and under favorable circumstances as regards expense of opening and working the same. This quarry, I understand, belongs to the James river company, and lies almost adjoining the state quarries, so that one superintendence and machinery for both would be only necessary. The promise of this quarry is that *all the stone* that may be required by the monument can be here obtained, and with the greatest facility.

3d. Under these considerations, I would respectfully recommend that immediate measures be taken to open this last named quarry, to supply every deficiency of the present quarry to complete the monument structure; and further, that *all* the stone required for this work should be quarried and hauled into the capitol square the coming summer and fall, that the work to completion should be carried on during the winter.

Respectfully submitted.

ROBERT MILLS,
Arch't Va. Washington Mon't.

P. S.—When a sufficient body of stone is on the ground, it would be advisable to increase the force of the operatives on the work, so that the monument may be completed to the top of the pedestrian pedestals in the design.

M.

RICHMOND, Nov. 27th, 1851.

Proposals for the delivery of all stone required for the completion of the Virginia Washington monument on capitol square :

| | | | | |
|---|---|---|---|-----------|
| For all stone under 20 cubic feet, | - | - | - | 38 cents. |
| For all 20 and under 50 | " | - | - | 50 " |
| For all 50 and not more than 75 cubic feet, | | - | - | 88 " |

With the understanding that we are to have the quarry free of charge, and such tools, derricks and crane at the basin also free of charge. Such of the teams as are wanted we will take at a fair valuation, and the managers of the monument operations will be secured by a deed of trust, of all teams, tools, quarry, and any stone that may be out of the quarry, should we fail to comply with the above contract. We will take all of the hired negro slaves for the remainder of this year, at the price paid by the monument fund, for the number of days they may work.

JOHN A. TEMPLE & CO.

OFFICE ARCHITECT V. W. MONUMENT,
Richmond, November 28, 1851.

His Excellency Governor FLOYD.

SIR,

The stone yet required to complete the monument, and to be furnished from the state quarries, will be about 2000 cubic feet. The character or dimensions of these stone will vary, and will be subject to be valued differently. Upon examining the proposed prices by Temple & Co., I find that the cost of delivering this 2000 cubic feet on the monument ground will not exceed one thousand dollars.

As respects the offer of Temple & Co. to deliver the major part of the stone at 38 cents per cubic foot, I consider it a fair offer, under the circumstances of the case; for the usual price of such stone in the market here is 50 cents per cubic foot delivered. The stone put at 50 and 88 cents per cubic foot, relates to particular sizes, which bear a proportionate advance in the market prices. We shall require but five stone, not one-sixth of the whole quantity, subject to these extra prices. The offer of Temple & Co. I regard as favorable to the interests of the monument work.

Respectfully submitted.

ROBT. MILLS,
Architect V. W. Monument.

ARTICLES of AGREEMENT, made and entered into this 22d day of December 1851, between John B. Floyd, governor of the commonwealth of Virginia, acting for and on behalf of the said commonwealth, of the first part, and John A. Temple & Co. of the second part: This agreement witnesseth, that the said John B. Floyd hereby agrees to rent, for the term of two years, the granite quarries upon the state property, known as the Old Magazine Tract, with the public lands adjacent thereto, to the said John A. Temple & Co. upon the following conditions: The said Temple & Co. shall, for the use of the quarries and lands aforesaid, deliver, upon the capitol square in the city of Richmond, all stone necessary for the completion of the Washington monument, at the following prices, viz: For all stone under 20 cubic feet, 38 cents; for all over 20 and under 50 cubic feet, 50 cents; for all over 50 and under 75 cubic feet, 88 cents per cubic foot. It is agreed moreover, that the said Temple & Co. shall have the same rights, for the time aforesaid, to the crane and landing upon the basin bank that are now possessed by the Washington monument. And it is further agreed between the parties, that in case the stone work of the Washington monument shall not be completed within the said term of two years, this case shall be ex-

tended until the said stone work shall be completed. And said Temple & Co. agree to furnish the stone promptly, upon the requisition of the superintendent or architect of the monument, or of any other person appointed by the governor for the purpose of giving them notice; and also that the stone shall be inspected at the quarry before delivery, and only such shall be delivered as shall have been approved and accepted by the architect or superintendent.

In witness whereof, the parties have hereunto set their hands the day and year first above written.

JOHN B. FLOYD,
HENRY SEAVY, For J. A. TEMPLE & CO.

MEMORANDUM OF AGREEMENT, between E. S. Gay, paymaster of Virginia Washington monument, on the one part, and James McCarthy on the other part:

I, the said E. S. Gay, do hereby agree to furnish the said McCarthy all the rock that may be required to build the culvert now being made between the penitentiary and James river, at one dollar and twenty-five cents per running foot of said culvert. Said rock to be delivered on the bank of the James river and Kanawha canal. That portion of said rock, required for building the side walls of said culvert, to be of good building quality, and the flagging for bottom and top to be agreeable to the specifications required in the said McCarthy's contract with the city of Richmond.

And I, McCarthy, do agree to pay to said E. S. Gay, for said rock, in the following manner, namely: When any section of the said culvert is complete and ready for reception, I do hereby authorize the city surveyor, or agent appointed to measure said work, to deduct the sum the rock may amount to from the amount due me by the city for said section, and report same to the chamberlain of the city, who I do hereby authorize to pay the amount so reported to said E. S. Gay, and to continue to pay in like manner, from time to time, until the whole is complete. In witness whereof, we do hereby affix our names and seals this twenty-fifth of November 1850.

E. S. GAY, P. M., [Seal.]
JAMES MCCARTHY, [Seal.]

Teste,

A. C. LAYNE.

ARMORY, RICHMOND, VA.
April 25, 1851.

To his Excellency Gov. JNO. B. FLOYD.

SIR,

I was called upon by Mr. Rand, at your instance, to examine a quarry of the James river and Kanawha company, and asked my opinion as to the propriety of abandoning the state quarry, and opening the one above alluded to. I am decidedly of opinion that such a change is unnecessary at this time, as I think the whole quantity of stone required for the monument can be had where we now are, and that exactly of the same quality and color as has been already used; and by changing the quarry, we would be perhaps compelled to use stone of a different kind, thinking as I do that that in the quarry of the James river and Kanawha company is of a much darker color and of a harder and finer grain; if so, the appearance of the building would be materially injured. I am clearly of opinion that the state quarry, in its present cleared condition, is much more profitable now than it has been heretofore, and that the force now necessary to supply the monument stone would at the same time be able to raise sufficient sale stone to pay the whole expenses of the working of the quarry.

I beg to be excused for saying that, from my daily observation of the conduct of Mr. Rand, I am constrained to come to the conclusion that abuses are committed on the operations of the monument, and that he has lost sight of the interest of the work committed to his charge, and appropriated more of the labor to private and individual interest than is or can be justified. I will assign my reasons:

1st. That instead of reducing the force at the quarry, (as I suggested,) which might be done one-half with propriety, he has greatly increased it, and continues such increase up to the present time. A much larger portion of that labor has been occupied in quarrying lock stone for Mr. Laird, and sold at a reduced price, and as yet no contract made by which the payment for the stone is secured to the commonwealth. I was induced to acquiesce in making sale of the stone to Mr. Laird, under the impression that we should only be required to furnish such as we were of necessity obliged to quarry in order to get at the better stone for the monument, and had no idea that the force was to be increased for the purpose of going largely and regularly into quarrying for the convenience of private and individual speculations.

2d. Mr. Rand is now getting out stone for other private jobs, of a select kind and dimensions, which, I am informed, is for Mr. Laird, and proposed to me to let it go into the contract at the rate of other stone sold to Mr. Laird, say \$1 25 per yard, which is not one-sixth of the price charged others for similar stone. Mr. Rand is also acting as if he had a *carte blanche* to do as he pleases, and without consulting with me on matters in my opinion involving the interest of the work on which we are employed, and which should be done by me instead

of him. The combined clandestine and underhanded manner of Messrs. Rand and Laird in getting from the James river and Kanawha company the property leased by me for the interest and convenience of the monument, was effected by (I fear) misrepresentations to your excellency and the James river and Kanawha company, and not mentioned to me until the object they had in view had been consummated. Mr. Rand has also turned over the property hired and employed by the state to Mr. Laird, without (as far as I know) any permission from yourself, and I know none from me to do so—I allude to the blacksmith at the quarry.

I have objected, and ordered the stone at the quarry not to be delivered to Laird until a settlement can be had between him and myself as agent, and the amount due by him on the stone furnished last summer for wall in rear of your lot is paid up, which is over \$ 300, and an order accepted by the James river and Kanawha company to pay for all stone furnished to Laird for the locks from state quarry.

Since my directions to suspend the delivery of stone till further orders, I find that Mr. Rand still persists in delivering it, and to-day I see stone for other jobs now on the boat, and that of a fine dimension stone, on which no definite price is fixed.

I have been constrained, from a sense of duty to you and to myself, and I should feel myself unworthy the trust reposed in me as an agent, were I not to call your attention to abuses, which I hope your excellency will devise a remedy to prevent in future, and with no other view than that of carrying out your explicit instructions and wishes, expressed to me on several occasions, of economizing the funds committed to our charge, and to prevent that fund from being perverted to any other than its proper and legitimate purpose.

Very respectfully,

Your obedient servant,

E. S. GAY, *P. M. W. M.*

P. S.—I have seen Mr. Wood, one of the most practical rock workmen in town: he went with Mr. Rand, and examined the quarry of the state and that of the James river and Kanawha company, and he concurs with me in opinion that the latter stone is entirely unsuitable for the monument, and that a large amount of stone from our quarry can be obtained at comparatively small expense.

E. S. GAY, *P. M. W. M.*

RICHMOND, VA., 10th May 1851.

To his Excellency Governor JNO. B. FLOYD.

SIR,

In compliance with your verbal order, given to me some time since, I gave directions that there should be no rock sold or delivered, without an order from me to that effect. There has been no attention paid to this by Mr. Rand. In my report of the 25th April, I stated that a boat was being loaded at the quarry with fine dimension stone, which was to be sent to Richmond: it is now brought down, and on yesterday was put on board a schooner to be sent to Norfolk.

This whole transaction has been without any authority on my part whatever; and to whom it has been sent, or at what price, I am altogether ignorant.

I regret the necessity of further adding to my former report, but from the total disregard of Mr. Rand to your orders through me, I feel called upon to do so.

Very respectfully, yours,

E. S. GAY, P. M. W. M.

RICHMOND, 3d June 1851.

To his Excellency Gov. J. B. FLOYD.

DEAR SIR,

I herewith send in my cash account and receipt rolls from the date of my appointment as paymaster of the Washington monument, up to the 30th April 1851, and ask a settlement of the same.

I find that Mr. Rand has called your attention to items in my account, with a view of questioning my integrity as an agent. He alludes to a deduction of \$25 on a culvert now under construction between James river and the penitentiary. It is true, that under the contract I had a right to charge \$1 25 per running foot for said culvert; but in the excavation it was found that the natural flagging would answer, and I directed the city surveyor to make a fair deduction from the amount for any rock not furnished by me as agent of the state—conscientiously believing that I, as an individual, or state agent, had no right to make any one pay for advantages thrown in their way by the providence of God, and not furnished at cost or labor to any of his creatures. Your excellency has since expressed your concurrence with me in the propriety of making such a deduction.

As regards his reference to the stable rent, I would say, that for several months we had the use of it before Mr. French demanded any

rent, at which time I offered him, for half of the stable to the end of the year, \$20. We then had only one yoke of oxen and two horses at the quarry; afterwards the team was increased, and instead of half, we occupied $\frac{3}{4}$ of the stable. As an act therefore of common justice, I voluntarily offered the additional sum of \$5, and paid Mr. French \$25 instead of \$20. To this your excellency has also expressed your concurrence.

As to Mr. Rand calling your attention to discrepancies in my accounts, I deem it unnecessary to reply, further than say, that I know the accounts will be referred by your excellency to competent gentlemen, and not to Mr. Rand. If censured by them, it will be time enough for me to feel injured. My pay, receipt rolls and vouchers will speak for themselves.

I must again call your attention to the fact that I cannot as yet get a settlement or payment of Mr. Laird for his dues of last year, being upwards of \$300; and to what amount it has been increased this year, I know not, the whole matter being transacted by Mr. Rand, without any report being made to me whatever relative to the negotiations between them.

You complain of extravagance in the outlay for fixtures, contingencies, &c. It has been my object, and I know it to be your wish, to economize in constructing the work. This I have made every effort to do, but Mr. Rand is not to be controlled by me: it is therefore out of my power to arrest unnecessary expenditures.

I would also call your attention to one fact that I have before objected to, and that is, that private jobs should be done at the monument workshops. I know that a considerable portion of blacksmith work is done by our smiths for Mr. Laird, and in what way, or at what prices, I know not.

There is a charge to us on the 3d of May of 20 kegs of powder, and on the 26th, of 25 kegs, shewing the consumption of 20 kegs in 23 days. The foreman at the quarry says he has used comparatively little powder during that time—certainly not more than seven kegs for the last month. Where it has been used, I know not.

Mr. Rand has taken some good hands from the monument, and put them to work with Mr. Laird. I look upon this transfer as highly improper, knowing as I do your wish to prosecute the monument work with speed.

The opening of the new quarry on the James river and Kanawha company's land will be attended with considerable expense, especially if an entire outfit is to be made. Mr. Rand proposes to purchase of Laird a horse derrick at \$140; this, when rigged, would cost not less than \$250. This I think might be dispensed with, as we now have an excellent derrick on the south side of the canal, already paid for, which would answer the purpose, and thereby save an outlay of two hundred and fifty dollars.

These matters I feel myself in duty bound to lay before you.

Respectfully submitted.

E. S. GAY, P. M. W. M.

RICHMOND, VA., 12th June 1851.

To his Excellency Jno. B. FLOYD, Gov. of Va.

SIR,

Mr. Rand complains to you of my stopping the monument teams from hauling stone to the locks, and says that it will impede the monument work. My reasons are as follows, viz: That for the rock, labor of hands and hauling of the teams, done for Mr. Laird to the present time, has been without any payment to the state, or even report to me of the probable amount due to the state by him; therefore, such being the case, I have given the above order, that a settlement might be had, as I must protest against all sales of rock without the contract is made and put into my hands, and security given that the amounts will be paid.

Yours, very respectfully,

E. S. GAY, P. M. W. M.

RICHMOND, June 17th, 1851.

LIEUTENANT E. S. GAY.

DEAR SIR,

I some days since made an agreement with Messrs. Laird and Rand to furnish us with granite enough to build two abutments at Hazle Run, supposed to require about one hundred perch. The agreement was as follows: They were to deliver here at the cars, at the rate of \$2 25 per perch wall measure of 25 cubic feet to the perch, good granite, suitable for said abutments—the foundation stone to be from 7 to 8 feet long, and the coping to be 2½ feet wide, 10 inches thick, and the lengths to be as long as could be conveniently furnished—all to be of good quality. They have furnished a portion of the stone, but of a very inferior quality, so much so that I have refused to take any more, unless they can comply with the agreement.

I received a note yesterday from Mr. Rand as follows:

“MR. SHARP.

SIR,

I have just been informed, that unless we furnish better building stone for your work, that we must stop hauling or delivering at the depot. If the stone furnished will not answer for your work, we shall not deliver any more. You will please have the stone that have been delivered measured, and account for them to E. S. Gay, paymaster of the Virginia monument.

O. H. RAND,
Supt. Va. Monument.”

THOMAS SHARP.

WASHINGTON CITY, July 12, 1851.

DEAR SIR,

Your favor is received ; and in reply to your enquiry on the remark made by me in relation to the stone on the ground at the state quarries, preparing for the work on the canal locks, I would state that I observed there were several blocks there that would have been suitable to be used in the interior of the monument—the exact color not being material here.

I took an opportunity of speaking with the governor on the subject, and other matters on which we were speaking ; and Mr. Rand being in the room, we called him up and enquired about the matter ; and from the explanations given of the points in question by Mr. R. the governor appeared satisfied, and to me they were also satisfactory. But a few months will elapse when the quarrying business will be closed, and we shall be able to judge of the state of the account of profit and loss of the work. Mr. Rand appears to me to be a good manager for this work, which is intricate and difficult, from the nature and sizes of stone required ; and as there would necessarily be a great deal of stone got out that would not answer, these would have to be got out of the way.

From the exhibit of the account current by Mr. Rand up to the 1st of June last, no loss appears to be sustained to the monument fund ; and the governor expressed himself satisfied with the securities for the payment of stone furnished from the state's quarries under the monument working.

With esteem and respect,

Dear sir, I salute you,

ROBERT MILLS,
Architect Va. W. M.

LT. E. S. GAY,
Richmond, Va.

RICHMOND, VA., 9th July 1851.

ROB'T MILLS, Esq.

DEAR SIR,

During your last visit to this city, I had some conversation with you about the state quarry of the Va. W. M. As I do not recollect the opinion you then expressed of the quantity of cut stone which was then in front of the quarry that might have been used in the monument were we not too particular in its inspection, I would be glad you would inform me as near to the quantity as you recollect, which you thought suitable for the monument edifice. Your compliance will oblige

Yours, very respectfully,

E. S. GAY, P. M. W. M.

RICHMOND, VA., July 1st, 1851.

Mr. O. H. RAND, *Sup't Va. W. M.*

SIR,

You are hereby required to stop the delivery of stone from the state quarry to Mr. Laird, and withdraw all the teams of the commonwealth from hauling or being otherwise in the employment of said Laird, and not again to use them for that work, unless by a written order from the governor to the effect that they are to be so employed.

Respectfully,

E. S. GAY, *P. M. W. M.*

P. S. I wish a full settlement with Mr. Laird as to the amount due by him up to 1st July 1851.

E. S. GAY, *P. M. W. M.*

A Statement shewing the number of Horses and Oxen, and the cost thereof, purchased for the Commonwealth, to be used in the erection of the Washington Monument.

1850.

| | | | | |
|---------|---------------------------|-----------|--------|--------|
| Nov. 1, | cash paid Jas. Harden for | 2 horses, | 215 00 | |
| 7, | " D. M. Harden for | 1 horse, | 110 00 | |
| 25, | " Jas. Harden for | 1 " | 120 00 | |
| | | | | <hr/> |
| | | | | 445 00 |

The following accounts have been certified to the executive for the purchase of horses and oxen :

| | | | | | |
|---|-------------------|---|-----------|--------------|------------|
| March 27, | to Mr. Bull, | - | 1 horse, | 110 00 | |
| April 6, | to Mr. Brown, | - | 1 " | 85 00 | |
| 10, | to Mr. Dunnivant, | | 2 horses, | 200 00 | |
| 21, | to Jas. Harden, | - | 2 " | 235 00 | |
| 29, | " " | - | 3 " | 303 00 | |
| May 6, | to Mr. Wells, | - | 2 " | 190 00 | |
| 11, | to Mr. Gamble, | - | 1 horse, | 120 00 | |
| 18, | to Mr. Brown, | - | 1 " | 105 00 | |
| " | " " | | 1 " | 100 00 | |
| " to Mr. Butler, [this was made prior to my appointment, but is included to shew the the total amount,] | | | | | |
| | | - | 1 " | 130 00 | |
| May 29, | to Mr. Belt, | - | 1 " | 137 50 | |
| | | | | <hr/> | |
| | | | | | 1,715 50 |
| Number of horses purchased, | | | | | |
| | | | 20 | at a cost of | \$2,160 50 |

| | | | | |
|---|---|--------------|--------|----------|
| Brought forward, | - | - | - | 2,160 50 |
| 1850. | | | | |
| May 2, certified to executive in favor of E. & N. Green for | 1 | yoke oxen, | 105 00 | |
| Oct. 1, certified to executive in favor of J. H. Wade for | 1 | " | 60 00 | |
| | - | | | |
| Number yoke oxen purchased, | 2 | at a cost of | 165 00 | |
| | | | | 165 00 |
| Total amount of cost of teams, | - | - | - | 2,325 50 |

From which deduct for horses sold by me as follows:
1850.

| | | | | |
|---|---|---------|--------|-------------------|
| July 31, to — Butcher, | 1 | horse, | 105 00 | |
| Sept. 19, to Wm. A. Robinson, | 1 | " | 150 00 | |
| Oct. 4, to E. W. Tompkins, | 2 | horses, | 245 00 | |
| Nov. 1, to — Erdman, | 2 | " | 225 00 | |
| | - | " | | 725 00 |
| | 6 | | | |
| Total cost of teams 15th February 1851, | | | | <u>\$1,600 50</u> |

NOTE.—There is included in the above statement \$ 90, the cost of a horse which died in November last.

I have also certified accounts to the executive for payment, from the 1st of April 1850 to 17th February 1851, for buildings, wagons, negroes, fixtures and all contingent expenses, other than horses and oxen, to the amount of \$ 8,197 43.

Amount of expenditures from 1st April 1850 to 17th February 1851, as follows:

| | | | | | |
|--|---|---|---|---|---------------------|
| For pay rolls, | - | - | - | - | 20,263 36 |
| For amount certified to executive as above, | - | - | - | - | 8,197 43 |
| For amount of cost of horses and oxen now on hand, | | | | | |
| per statement annexed, | - | - | - | - | 1,600 50 |
| For sundry disbursements, per cash book, | - | - | - | - | 2,804 09 |
| Total amount of expenditures, | - | - | - | - | <u>\$ 32,865 38</u> |

RICHMOND, April 29th, 1851.

To his Excellency Gov. FLOYD.

I have just received information from Lieutenant E. S. Gay, paymaster of the Virginia Washington monument, that he has preferred charges against me which he wishes answered immediately. If you will be so kind as to furnish me with them, I will endeavor

to do so as soon as possible, and have the matter fully and fairly investigated; and I trust to be able to prove to your honor the true state of the operations of the Virginia Washington monument.

Very respectfully,

Your ob't servant,

O. H. RAND,
Superintendent Va. Washington Monument.

Amount of Stone sold by O. H. Rand to Daniel J. Turner.

| | | | |
|--|---|---|-----------------|
| 427 feet, 1 foot by 1 foot, at 42 cents, | - | - | 179 34 |
| 211 feet of refused stone, at 25 cents, | - | - | 52 75 |
| | | | <hr/> |
| | | | <u>\$231 09</u> |

The paymaster of Washington monument will retain out of my pay, as accounts against the monument, the above amount.

O. H. RAND, *Sup't W. M.*

Richmond, March 1851.

MEMORANDUM OF AN AGREEMENT, entered into this day of January 1851, between E. S. Gay, paymaster of the Washington monument at Richmond, by and with the approbation of the governor of Virginia, of the one part, and Samuel Laird of the other part, witnesseth:

That the said E. S. Gay, as paymaster aforesaid, hath agreed and doth hereby agree with the said Laird, to quarry and furnish from the state quarry, on the James river and Kanawha canal, for him all the stone, including facing and backing stone in the rough state, that may be required for building and completing lock No. 1, in the line of locks now being built in the city of Richmond, for the James river and Kanawha company, for the purpose of connecting the upland and tidewater navigation, and to deliver the same, when quarried, at some point on the basin in said city, at the price of one dollar and twenty-five cents per : *Provided however*, That it is expressly understood and agreed between the parties, that nothing herein contained is to be so obligatory on the said E. S. Gay, paymaster as aforesaid, as to interfere with, hinder or delay him in any manner whatever in quarrying and furnishing stone for the erection of the

said monument, or with the completion and fulfillment of a contract which he has already made with the city of Richmond, for the supply of stone for making and completing the culvert now being made between the penitentiary and James river: and moreover, this contract shall be absolutely null and void whenever the governor of Virginia, for the time being, shall express his opinion in writing, that the said quarry will be insufficient to supply and provide sufficient stone to complete the said monument; and the said E. S. Gay, as paymaster aforesaid, further agrees with the said Laird, that the said Laird shall have the privilege of facing at the said quarry so much of the said stone as shall be required to be faced in the building of the said lock; and the stone so faced is to be transferred and delivered in Richmond, as before agreed on—but that all the hands employed by the said Laird in facing the said stone, or otherwise employed there by the said Laird, shall be subject to the order and direction of the said E. S. Gay, and shall be removed or discharged by the said Laird, at the request of the said E. S. Gay, and at his will and pleasure, for misconduct or bad character, so that the said E. S. Gay shall at all times have the absolute control over the conduct and character of all hands employed to work at the said quarry. And the said Laird doth promise and agree to pay to the said E. S. Gay, as paymaster aforesaid, and for the use of the commonwealth, one dollar and twenty-five cents per _____ for every _____ of said stone, both facing and backing, that he, the said Gay, as paymaster aforesaid shall so quarry and deliver—the quantity to be ascertained by the engineer or other person employed by the James river and Kanawha company to measure the like stone used for the erection of the other locks now being built as aforesaid. And to secure the payment of the price so to be paid for the said stone, so to be delivered by the said E. S. Gay, the said Laird doth hereby authorize the said E. S. Gay, as paymaster aforesaid, to demand and receive from said James river and Kanawha company payment for all the stone so delivered, at such times as the estimates for building the said lock No. 1 shall be made by the said company, out of any money that shall then be found due to the said Laird for furnishing the said stone under a contract made between the said Laird and B. McGramme & Co.; and full power and authority is hereby given to the said Gay to receive so much of the said estimates as shall pay at that time for all the stone that shall have then been so delivered by him, and to grant to the said James river and Kanawha company full receipts and acquittances for the same.

And it is hereby further understood between the parties, that said Laird shall not sell, lend, exchange, transfer or permit to be used upon any other work than the said lock herein specified, any of the said stone so delivered by the said Gay, under a penalty of \$ 500, to be paid by said Laird to said E. S. Gay, and to be recovered by action of debt.

Witness our hands and seals.

[Seal.]
[Seal.]

PORTSMOUTH, VA., 1st June 1851.

To LT. E. S. GAY, P. M. W. M.

SIR,

I think it will be necessary to have a derrick put up at the upper quarry before I return to Richmond, and I would recommend purchasing the derrick of Mr. Laird, which is worked by horse power, and put it up at the lower quarry, as there is room there to work a horse derrick, and put the one at the lower quarry up at the upper quarry, as it requires repairs; and to do that, it will have to come down. The horse derrick can be worked much cheaper than a hand derrick. Mr. Green will attend to putting them up. Mr. Seve-
rance will point out the site for them.

Very respectfully,

O. H. RAND,
Sup't Washington Monument.

JUNE 11, 1851.

LIEUT. GAY,

DEAR SIR,

Please send me the regulations for the monument,
which I gave to you a few days ago.

Your ob't serv't,

JOHN B. FLOYD.

MR. GAY,

Will you please explain the difficulties which Mr. Rand
speaks of in this note, which I enclose to you?

Respectfully,

Your obedient servant,

JOHN B. FLOYD.

11th June 1851.

RICHMOND, May 17, 1851.

To his Excellency Gov. JOHN B. FLOYD,

SIR,

I wish to call your attention to a contract made by the paymaster for the delivery of stone to build a culvert by the running foot between James river and the penitentiary for \$1 25 per running foot, which, upon an average, will consume over one yard to the running foot, for which he has deducted 25 per cent. on the last payment, without the request of the city surveyor.

I also refer you to pages 34 and 36, for error of \$14 paid Jas. Alexander, and to page 162, paid board of negro man, free, \$4 60. You will also find he has been paid in full, by reference to August pay roll, and to page 180, an error of \$5 overpaid for stable rent, according to agreement between all parties.

My object in calling your attention to the above, is, that all orders hereafter shall be signed by the superintendent as well as the paymaster, in order at any time to prevent overpayments. It is the custom of all public works to have the bills signed by the superintendent before going to the paymaster.

Your most ob't serv't,

O. H. RAND,
Superintendent Va. W. M.

GOVERNOR FLOYD.

DEAR SIR,

Orders were given yesterday by the paymaster to stop hauling stone to Mr. Laird's work, which will materially affect the monument operations, by thronging with lock stone at the crane and prevent the getting the monument stone from the boat, and likewise leave our teams idle. Will you inform me what to do with the boat hands and teams?

Respectfully,

Your most ob't serv't,

O. H. RAND, *Sup't W. M.*

RICHMOND, VA., 31st Dec. 1851.

To his Excellency Jno. B. FLOYD, Gov. of Va.

SIR,

I annex account of sales of the monument property which I could not report sooner, having only received it this evening.

| | | | | | |
|------------------------|---|---|---|---|--------------------|
| Gross amount of sales, | - | - | - | - | <u>\$ 2,758 10</u> |
|------------------------|---|---|---|---|--------------------|

CR.

| | | | | | |
|---|---|---|-------|----|--------------------|
| Cost and charges, | - | - | 182 | 32 | |
| Notes at 4 months, | - | - | 377 | 75 | |
| Cash, | - | - | 438 | 58 | |
| Jno. A. Temple's account, handed your ex- | | | | | |
| cellency for settlement, | - | - | 1,759 | 45 | |
| | | | | | <u>\$ 2,758 10</u> |

Respectfully submitted.

E. S. GAY, P. M. W. M.

RICHMOND, VA., Dec. 29, 1851.

*To his Excellency Jno. B. FLOYD,
Gov. of Virginia.*

SIR,

I herewith submit for settlement my cash account, with vouchers and receipt rolls, up to 1st January 1852.

It will be seen by account No. 3. that there is a balance against the paymaster, of \$1,067 88, which is ready to be paid over.

The receipt rolls will shew some small sums unpaid, which are subject to be called for; or, if ordered will be accounted for when the accounts and receipt rolls are settled.

There have been no returns made to me of the sales at auction; but in addition to Mr. Temple's auction purchases should be added two horses, at \$110 each.

There is yet unsold of monument property the new buildings at the James river and Kanawha company's quarry, crane on basin bank, and the two slaves—Mr. Rand having stated that you ordered they should not be sold.

Respectfully submitted,

E. S. GAY, P. M. W. M.

SAMUEL LAIRD,

TO WASHINGTON MONUMENT, Dr.

| | | | | |
|--|------|---|---|------------------|
| 1850. | | | | |
| Dec'r—To | 417½ | yards stone, at \$1 75 per yard, | - | 730 00 |
| | 17 | barrels lime, at \$1 per barrel, | - | 17 00 |
| | 2½ | perches stone, at \$2 per perch, | - | 4 60 |
| | | Hauling, | - | 1 00 |
| | | Sharpening tools, | - | 2 50 |
| | 6 | loads sand, | - | 4 87 |
| | 16 | bales hay, 4,765 pounds, | - | 47 65 |
| | | Hauling same, | - | 1 00 |
| 1851. | | | | |
| May—To | 1½ | perches stone, at \$2, | - | 3 00 |
| | 25 | " " " " | - | 50 00 |
| | 5 | pick axes, | - | 5 63 |
| | 1 | stone 3 × 2 3 × 2 1.8, and hauling, | - | 2 16 |
| | 68½ | days work for horse, at 50 cents a day, | - | 34 37 |
| | 48 | perch stone, at \$2 25 per perch, | - | 108 00 |
| | 11½ | " " " " | - | 25 87 |
| | | Stone to Fredericksburg railroad, | - | 37 12 |
| | 15 | perch stone, at \$2 50 per perch, | - | 37 60 |
| | | Lock stone for James river company, | - | 1,173 75 |
| | | | | <u>2,350 04</u> |
| 1850. | | | | |
| Nov'r—Credit by cash, | - | - | - | 466 00 |
| 1851. | | | | |
| Sept.—Credit by cash from James river company, | - | - | - | 400 00 |
| Nov.—Credit by cash for lock stone, | - | - | - | 1,173 75 |
| | | Credit by horse hire for 4 months, at \$10 per month, | - | 40 00 |
| | | Credit by timber, 249 feet, at 5 cents per foot, | - | 12 45 |
| | | | | <u>2,092 90</u> |
| Balance due, | | | | <u>\$ 267 64</u> |

RICHMOND, VA., December 1, 1851.

To his Excellency JNO. B. FLOYD,
Governor of Virginia.

SIR,

The annexed account was handed me on Saturday evening by Mr. Laird, for me to examine and certify, if correct. This I can only do in part. The charges of 1850 I believe correct, being for stone, &c. furnished Mr. Laird for wall in rear of governor's lot. The charges for 1851, with the exception of the rock sold for the locks, and paid for by the James river and Kanawha company, I saw for the first time last week, Messrs. Rand and Laird having carefully avoided any consultation with me respecting the sale of the rock therein charged. I presume, however, said charges are for the dimension stone shipped to Norfolk in the course of this year. If so, I cannot think the charges of \$2 00 and \$2 25 per perch are correct, from the fact that in the year 1850 Mr. Rand made sale of similar stone, (at least not of better quality or dimensions,) and shipped it to Norfolk, for which I received 42 cents per foot, which is \$11 34 cents per cubic yard, or \$10 50 per perch. I therefore cannot think it right or just

that persons having no connection with the monument or state operations, should be called in by one of its agents to intercept the proper agent for the sale of stone, and by so doing, make for himself a clear profit of \$8 per perch—probably much more, (as I do not know at what price the stone was actually sold,) and that without risking or spending the first dollar or day's labor to obtain such profit. The state has been at the same expense quarrying, boating, hauling and shipping this as similar stone in 1850. I am therefore of opinion that the state is entitled to the profit on her own labor and outlay *same as then*, and not private individuals. This whole matter has been managed by Messrs. Rand and Laird secretly, no report being made to me whatever, and only found out after much enquiry on my part, which was answered apparently with great reluctance by Mr. Rand.

I see no charge on the account for the hire of the blacksmith at the quarry, who was put in possession of Mr. Laird on or before 1st February 1851, and continued in his service till 1st August 1851, say six months, at \$35 per month, or \$210 for the whole time. I think this charge for our smith would be reasonable, from the fact that during the same time we were paying a smith two dollars per day, or about \$50 per month.

There was also some expense incurred in providing accommodations for the hands employed at the quarry in cutting stone for the locks, for which I see no charge; nor do I see any charge for the use of our shops both at the quarry and on the capitol square.

The first three items of credits, amounting to \$2039 75, have been received and placed to Mr. Laird's credit on my books: the other two items of \$40 and \$12 45 are reasonable charges, and of course will be allowed.

For the reasons above stated, I have refused to certify the account as correct.

Very respectfully,

Yours,

E. S. GAY, P. M. W. M.

The stone here spoken of as having been shipped to Norfolk by Laird, were sold to him upon my authority, regarding the supply of it as part of the sale and supply of stone for the locks, in which transaction Laird agreed to take all the stone of every quality which we might be able to spare from the monument. I allow this the more cheerfully, because the quantity of backing furnished Laird upon the locks bears an undue proportion to the stone of a better quality. The other items need explanation, as far at least as relates to the blacksmith.

J. B. FLOYD.

RICHMOND, VA., Dec. 31, 1851.

To his Excellency Jno. B. FLOYD,
Governor of Virginia.

SIR,

I annex account of sales of monument property, which I could not report sooner, not having received it till this evening.

| | | | | |
|---|---|---|----------|------------------|
| Gross sales, | - | - | - | \$2,758 10 |
| Cost and charges, | - | - | 182 32 | |
| Notes at four months, | - | - | 377 75 | |
| Cash, | - | - | 438 58 | |
| Jno. A. Temple's account handed your excellency for settlement, | - | - | 1,759 45 | |
| | | | | <u>\$2758 10</u> |

Respectfully submitted.

E. S. GAY, P. M. W. M.

Report of Rock and Sand sold, Hauling, &c., from the Commencement of the Washington Monument Operations to 1st January 1852; Amounts received and Balances due up to and at date, (1st January 1852,) so far as reported to and known by me.

| Names. | Am't sold. | Am't rec'd. | Am't due. | Condition. |
|---------------------------|------------|-------------|-----------|---|
| City of Richmond, | \$2459 62 | \$2459 62 | | |
| Charles Wood, | 377 87 | 481 73 | 52 01 | Good debt. |
| Thomas Bates, | 214 63 | 178 60 | 36 03 | Good debt. |
| R. J. Blunt, | 49 60 | 26 00 | 20 60 | In suit—doubtful. |
| City Gas Works, | 5 00 | 5 00 | | |
| James McCarthy, | 108 50 | 108 50 | | |
| Abram Warwick, | 84 00 | 71 33 | 12 67 | Not on monument account. |
| J. T. Rogers, | 132 99 | 133 49 | | |
| Henry Exall, | 254 51 | 100 00 | 154 51 | Has an account against monument referred to gas committee for settlement. |
| A. Hughes, | 165 00 | - | - | In suit, supposed to be good—sold by O. H. Rand. |
| M. Hassen, | 5 50 | - | - | Cr. on O. H. Rand's account, December 30th, 1851. |
| D. J. Turner, | 231 67 | 231 09 | | |
| J. R. & K. Co. | 311 83 | 311 83 | | |
| J. D. Quarles, | 71 09 | - | - | Good debt. |
| Collins & Carlton, | 620 00 | 440 85 | 179 15 | In suit and open account, bad debt, sold by O. H. Rand. |
| J. R. & K. Co. for Laird, | 2359 84 | 2039 75 | 267 64 | Admitted by him as due and unpaid to me. |
| Mr. Mountjoy, | 2 25 | - | - | Reported by Mr. Rand 30th Dec. 1851. |
| Samson & Pae, | 6 00 | - | - | Reported by Mr. Rand on 30th Dec. 1851. |
| Commonwealth of Va. | 91 80 | - | - | Reported by Mr. Rand on 30th Dec. 1851. |
| John A. Temple, | 2014 64 | - | - | Amount of purchases of monument property at auction (not rock) and privately. |

To his Excellency JOHN B. FLOYD,
Governor of Virginia.

SIR,

The above exhibits the amounts of rock, &c. sold, and to whom, amounts received and balances due, and the condition of the respective debts as far as reported to me and known by me. I cannot now report the amounts of tolls to be refunded, as the officers of the J. R. & K. Co. could not furnish me with the amount when I called yesterday for that purpose.

The amount of Mr. Temple's purchases as above I understand is to be settled by your excellency.

The final returns of the auction sales have not been made; I therefore cannot further report at this time.

Respectfully submitted.

E. S. GAY, P. M. W. M.

RICHMOND, 28th January 1852.

E. S. GAY, Esq.

SIR,

All the official papers connected with the monument are on file in the department, where I presume they can be seen upon application to Gen. Richardson.

Very respectfully,

JOHN B. FLOYD.

ARMORY, RICHMOND, VA.
2d May 1851.

To his Excellency Gov. J. B. FLOYD.

SIR,

In compliance with your directions of yesterday, I submit the following names of gentlemen engaged in the stone business in this city, viz:

Messrs. Erdmond, Wood, Mountjoy and two Greens.

Very respectfully,

Your ob't serv't,

E. S. GAY, P. M.

The president and directors of the James river and Kanawha company are authorized to retain and apply to the payment of the claim which the commonwealth of Virginia may have on me for stone delivered to me, from the quarries worked by the state authorities, for the Washington monument, the reserved per centage on my contracts with said company, for locks, excavation, &c., as the same may be due under said contracts, or the board of directors may be pleased to advance on the same.

S. LAIRD.

Richmond, June 11th, 1851.

I accept this order, subject to the rights of the company on the reserved per centage on Mr. Laird's estimates, according to the terms and stipulations of his contracts.

J. Y. MASON,
Pres. J. R. and K. Co.

ARMORY, RICHMOND, VA.
10th May 1851.

To his Excellency Governor J. B. FLOYD. .

SIR,

In compliance with your verbal order, given to me some time since, I gave directions that there should be no rock sold or delivered without an order from me to that effect. There has been no attention paid to this by Mr. Rand. In my report of 25th April, I stated that a boat was being loaded at the quarry with fine dimension stone, which was to be sent to Richmond. It is now brought down, and on yesterday was put on board a schooner to be sent to Norfolk.

This whole transaction has been without any authority on my part whatever; and to whom it has been sent, or at what price, I am altogether ignorant.

I regret the necessity of further adding to my former report, but from the total disregard of Mr. Rand to your orders through me, I feel called upon to do so.

Very respectfully, yours,

E. S. GAY, P. M. W. M.

RICHMOND, March 5, 1851.

To his Excellency Gov. J. B. FLOYD.

Having received through your hands a letter signed "Monument," I hasten, without delay, to give you an answer—such an one as will bear me out, as well as the other officer or officers, as he may term them, viz :

In the first place, he states that he has been requested, by some who feel an interest in the Washington monument, to submit a few facts that have been ascertained principally from hands who are engaged on the work.

The person writing the letter signed "Monument," should first have gone to the proper place to receive what he terms *facts*, and not rely upon the hearsay of workmen.

In his letter he says, first, the officers receive, including the quarry, four thousand four hundred and ten dollars. This is false from beginning to end, as the pay rolls will shew. He also states, that it is for the superintending of thirty hands. The pay rolls will shew an average of seventy hands. Besides this, the superintendent has charge of sixteen horses and four oxen, and has to purchase feed of every description for them, and see that it is properly taken care of.

In the third place, he states that one-tenth part of the work done in the last three months has been lost. That is also false, as any one with an unprejudiced mind can see at once. I admit that there has been a loss, but the loss so far, compared with the losses on works of this kind, has not in this instance been one-half of what was anticipated by all who knew anything about such works. He also states this lost labor to be hid. This is false. I have no place to hide this labor of which he speaks, admitting it was lost. He also speaks of the die stone, taking some six or eight weeks work, to be lost. This is false. The whole time employed on the die stone was thirty days, and the stone is not lost, but on the contrary, worked according to plan and directions. Again, with regard to the flooring being lost, as he states cost \$1,000, is utterly false. Not a single stone has been lost or even altered, every one of them working well where it was intended. As to the settling of the steps, I only want him to examine for himself, and he will agree that this with the rest is also false.

But, sir, he says this is not all. The superintendent has entered into a contract with the James river and Kanawha company. This needs no denial, from the fact that the books and papers of the James river and Kanawha company will shew to the contrary.

In conclusion, I will state that within the last nine months I have sold over \$4000 worth of refuse stone, and superintended the delivery of the whole of it.

Your most ob't and humble serv't,

O. H. RAND, *Sup't*
Of the Virginia Washington Monument.

RICHMOND, April 29, 1851.

To his Excellency Gov. FLOYD.

SIR,

Charges having been preferred against me somewhat in connection with Mr. Samuel Laird, I hasten to meet them with all due respect to your honor and likewise Lieut. Gay.

1st. As to abandoning our quarry and retreating to the James river and Kanawha company's quarry, is not true, which I shall be able to prove. What I have recommended as to quarrying, I still contend is right and proper: my object in opening the quarry of the James river and Kanawha company was to test the quality of the stone, and provided the stone of the James river and Kanawha company's quarry did not suit for monument purposes, the stone we would necessarily get out would pay every expense, which, upon investigation, your excellency will find is correct.

2d. His daily observation of my conduct and abuses committed in the operations of the Washington monument, and having lost sight of the interest of the work committed to my charge, and appropriating my time to private work more than to the monument, I say and maintain, is both false and malicious.

3d. As to the force at the quarry this year, it has been small compared with other quarries, and the amount of stone we are compelled to have this year, our force now is too small.

4th. As to the force on the lock stone, I shall, with the consent of your honor, refer that to competent men, and not to Mr. Gay, who knows nothing about this branch of business. As to the price of lock stone being reduced, Lieut. Gay is entirely mistaken; he has made a contract to furnish some 1800 yards, at 32 feet to the yard, for \$1 25, that cost more than the lock stone, which is only 27 feet to the yard; and if I am not very much mistaken, that matter was fairly understood by your honor some 3 months ago.

5th. He also complains of my not consulting him on all matters of work: were I to do so, we should make small progress: when I consult on matters of work, I shall most assuredly consult the parties who understand something at least about mechanism.

6th. As to the combined clandestine and underhanded manner in which Mr. Laird and myself obtained the company's land, it needs, I think, no comment, as he cannot shew the scratch of a pen of lease or rent for the property.

7th. As to the blacksmith at the quarry, I explained that matter to your excellency the first of this year, and can explain it to your satisfaction now.

8th. As to the delivery of 40 tons lock stone, they were so much in the way we were compelled to remove them, and it cost no more to bring them here than haul them down the canal with teams and back to derrick.

9th. As to what Mr. Laird owes the monument fund, I hope and

believe he is able and willing to pay when it is expedient. Mr. Laird is now buying over \$5000 worth of stone for the James river and Kanawha company, which is sure pay. As fast as it is built in locks, the monument fund can draw their money. My views are to let Mr. Laird have all stone not suitable for the monument, at \$1 25 per yard, which is evidently better than Mr. Gay's culvert job 32 feet to the yard, and we leave this matter to judges to determine. I have always until recently thought Mr. Gay not absurd enough to pretend to know anything about getting out stone.

10th. In conclusion, I will respectfully ask of your honor to have this matter fully investigated by competent men, and I ask to have Mr. Mills and two other competent persons to do it at once. I am perfectly willing to call in Mr. Wood as Mr. Gay speaks of him as a competent judge, and we will see if I have used good stone for Mr. Laird's work suited for monument purposes.

Very respectfully,

Your most ob't serv't,

O. H. RAND, *Serp't W. M.*

To his Excellency Gov. JOHN B. FLOYD.

In Mr. Gay's report to you on Mr. Laird's account, respecting that part of it which embraced the blacksmith, I merely wish to state that I made out the original bill myself, in which you can see that the blacksmith is charged for six months, at \$12 per month, leaving a balance due the state from Mr. Laird of \$267 76. In copying the bill from the original, (being in a great hurry,) the negro ~~man~~ was left out of the line, but you will see by adding up the figures, that it falls short just \$72, but the balance due on each bill is just the same.

Yours, most respectfully,

JOHN A. TEMPLE,
Foreman W. Monument.

December 2d, 1851.

RICHMOND, 3d December, 1851.

We, the undersigned, having been called on to state the difference, if any, between the lock stone gotten out and delivered, and the stone gotten out for Mr. Laird in 1851, and delivered in like manner—we would rather get out and deliver such stone as delivered to Mr. Laird, than the lock stone, for face stone and hollow quoins, &c.

HENRY SEAVY,
Foreman State Quarry.

EDWARD RAND,
Foreman Upper Quarry.

RICHMOND, Dec. 1st, 1851.

S. LAIRD.

SIR,

I herewith enclose you the report of Paymaster Gay, refusing to certify your account. You will explain the charges made by the paymaster at once, preparatory to a settlement finally of your transactions.

Respectfully,

Your ob't servant,

JOHN B. FLOYD.

RICHMOND, 2d December 1851.

To his Excellency JOHN B. FLOYD,
Governor of Virginia.

SIR,

I have been handed by Mr. Laird an account of rock sold and other articles therein mentioned, and Paymaster Gay refuses to certify to its correctness. I admit that the bill copied by Mr. Temple, our foreman, was done in a hurry, and was not footed up right. If Paymaster Gay had been as smart as he pretends to be honest, he would have seen the error, but he did not want to see it.

1st. In answering the 3d charge of Paymaster Gay, I will refer your honor to Mr. Temple's statement accompanying this paper,

which, I have no doubt, will satisfy all whom it may concern that it was a mistake or oversight of Mr. Temple, which I did not notice when Mr. Laird took the bill. Your honor will plainly see that the negro man's wages are embraced in the bill but not carried out, as the original bill will prove.

2d. As to the price charged Mr. Laird for the smith, as Mr. Gay calls him, I charged all he was worth, which I will prove to your honor by competent smiths.

3d. As to the price charged Mr. Laird for rock, the agreement of the delivery and price was agreed upon with the consent of your honor, and I have charged Mr. Laird as much if not more than the James river and Kanawha company paid for the same quality of rock, and my reasons for charging \$2 25 and \$2 50 was some sharpening of tools in our shops which I charged in with the stone. I hope that your honor will be satisfied with the statements which accompany this, that Mr. Laird has been charged as much as others; that is, for the culvert between the James river and the penitentiary pond and for the locks, which price was agreed upon by your honor.

4th. In conclusion, I am compelled to believe that Paymaster Gay has, for the last fifteen months, made every effort to retard and delay the operations at the quarry, at least five times the amount of his pay; and my firm belief is, and I have good reasons for so believing, that all the disturbance and difficulty and slanders he has and is now doing are for effect, which his past course will prove to any one who has had anything to do with the monument work. In short, I charge Paymaster Gay with the basest lying and slandering myself in the fulfillment of my duties, which I have endeavored to fulfill with honor to the work and all concerned with this great piece of work, which ought to be conducted with harmony, and with a spirit of honor due to the one to whom this monument is erected, and I hope the papers accompanying this protest that I offer for Paymaster Gay, will satisfy your honor that I have endeavored, to the best of my ability, to discharge the duties entrusted to your

Most ob't servant,

O. H. RAND,
Sup't Va. W. Monument.

Having been called on by Mr. Rand, superintendent of Washington monument, to certify to the negro man's ability to dress tools for a quarry, that was hired by the year by the monument agent at \$135 per year, we will state from our own personal observations that he was not capable of sharpening tools for a quarry, and Mr. Rand was obliged to provide regular sharpeners for the drillers. The damage done by him to the tools was more than his wages came to some days.

EDWARD P. WILLIAMS,
JAMES H. OLIVER,
N. G. HART.

The above smiths are all first class workmen, and competent judges of the above statement.

All of which is submitted.

O. H. RAND, *Sup't W. M.*

I, Daniel J. Turner, do hereby on oath declare, that I have, during the year 1851, purchased and received of Samuel Laird the following quantities of stone :

| | | | | | |
|-----------------|---|---|---|----|-------|
| May, | - | - | - | 25 | tons, |
| September 25th, | - | - | - | 12 | " |
| " 30th, | - | - | - | 87 | " |
| October 25th, | - | - | - | 19 | " |
| November 20th, | - | - | - | 19 | " |
| December 8th, | - | - | - | 17 | " |

Making in all, 179 "

None of the above stone, except four pieces, were required over 12 inches thick ; and I moreover believe no more stone has been sold or delivered in Norfolk or Portsmouth by the said Laird than what has been purchased by me—and my means of knowing are ample, being engaged in undertaking business in Norfolk and Portsmouth.

DANIEL J. TURNER.

NORFOLK COUNTY :

The above statement sworn to before me, by Daniel Turner, this 5th day of March 1852.

JOHN NASH, *J. P.*

RICHMOND, March 1852,

To the Honorable JOSEPH SEGAR,
Ch'n Monument Com'ee H. D. Va.

SIR,

The undersigned has the honor of acknowledging the receipt of your letter of the 13th instant, requesting "a statement in detail of the stock now on hand belonging to the Washington monument, including rock, utensils, carts, slaves, &c.," and would respectfully report the statement annexed, embracing an account current of the whole transactions connected with this work, so far as they have come under the knowledge of the undersigned.

The sales of stock which have taken place since the date of this statement have not yet been reported to the undersigned by the paymaster of the monument. Whatever this may be, it will be a credit on that side of the statement. Should a more detailed statement be required, it will be given as soon as the paymaster and superintendent of the works report to the undersigned.

Respectfully submitted.

ROBERT MILLS, Arch't Va. W. M.

WASHINGTON MONUMENT FUND,

To Work, &c. on Monument.

| 1851. | Dr. | | |
|---|-----|-----------|---------------------|
| Dec. 1. From January to 30th September 1850, | - | - | 28,865 95 |
| " 1st October 1850 to 30th September 1851, | - | - | 30,134 41 |
| " 1st October 1851 to 9th March 1852, | - | - | 13,866 29 |
| | | | <u>81,867 95</u> |
| Paid Mr. Crawford on contract for statues, | - | 10,000 00 | |
| Paid for ceremonies, laying corner stone, digging foundation, | - | | |
| erecting sheds, &c. | - | 1,500 00 | |
| Paid premium for design, | - | 500 00 | |
| | | | <u>12,000 00</u> |
| Amount properly chargeable to the architectural department of the work of the monument, | - | - | 69,867 95 |
| The credits below, taken from this amount, will shew the cost of the work up to date, estimated at | - | - | 15,000 00 |
| Estimated cost of work to this date, | - | - | <u>\$ 54,867 95</u> |
| 1851. | Cr. | | |
| Dec. 1. To pay rolls at monument and quarries, | - | - | 46,548 17 |
| provender for horses, &c. | - | - | 3,050 53 |
| contingencies, tolls, &c. | - | - | 7,547 16 |
| amount of sales of rock, | - | - | 7,650 00 |
| value of stone quarried at quarry, | - | - | 1,000 00 |
| value of stone on monument ground, | - | - | 1,574 00 |
| tolls to be refunded, | - | - | 825 00 |
| value of stock on hand at this date, consisting of negroes, horses, oxen, wagons, building fixtures, tools, derricks, cranes, scaffolding, hoisting tackle, &c. | - | - | 10,406 00 |
| | | | <u>\$ 78,600 86</u> |

Amount received on account of Washington monument, including advances from auditor, and for rock and horses sold, &c. from the commencement of its operations to 1st January 1852 :

| | | | | |
|---|---|---|----------------|-----------|
| For contingencies, as per auditor's warrant, | - | - | 1,361 | 48 |
| For rock, horses, &c. | - | - | 7,895 | 07 |
| | | | | <hr/> |
| | | | 9,256 | 55 |
| Paid, as per cash account, for contingencies for same period, or to 1st January 1852, | - | - | 8,194 | 73 |
| | | | | <hr/> |
| | | | <u>\$1,061</u> | <u>82</u> |

The above amounts shew my receipts of cash and amounts paid out as above, up to 1st January 1852.

E. S. GAY, P. M. W. M.

RICHMOND, VA., March 19, 1852.

To JOSEPH SEGAR, Esq.

Ch'n Special Comm'ee Washington Monument.

SIR,

The following is an account of the property yet on hand belonging to the Washington monument and the cost of same as near as can be ascertained, with an estimate of present value :

| | | | |
|--|---|-----------------|-----------|
| Exall's bill for sheds, shops &c. on square, | - | 668 | 83 |
| Two slaves, one \$ 700, one \$ 800, | - | 1,500 | 00 |
| Crane on basin bank, | - | 125 | 00 |
| Supposed cost of stone wagon, | - | 400 | 00 |
| Paid for carry log, | - | 35 | 00 |
| New buildings at the quarry for the accommodation of hands, including shops, &c., estimated at | - | 500 | 00 |
| | | | <hr/> |
| | | <u>\$3,228.</u> | <u>83</u> |

Present value :

| | | | |
|---|-------|----------------|-----------|
| Buildings on square, if sold at auction would probably not bring over | - | 100 | 00 |
| Buildings at quarry vacated by the monument hands and turned over to Temple & Co. rent free, if sold, would bring about | - | 100 | 00 |
| Two slaves, if sold, would bring about cost, | 1,500 | 00 | |
| Stone wagon, | - | 200 | 00 |
| Carry log, | - | 35 | 00 |
| Crane on basin bank, turned over to Mr. Temple, | 75 | 00 | 2,010 00 |
| | | | <hr/> |
| | | <u>\$1,218</u> | <u>83</u> |

Respectfully submitted,

E. S. GAY, P. M. W. M.

P. S.—Mr. Mills will please forward this report to the committee, after examination of it by himself.

Amounts received by Paymaster from the commencement of the Washington Monument Operations to 15th March 1852.

RECEIVED :

| | | | | |
|--|---|---|---|--------------------|
| Amounts of auditor's warrants, | - | - | - | 1,361 48 |
| " *advances on pay rolls, | - | - | - | 227 47 |
| Amounts for hammers sold, | - | - | - | 144 75 |
| " hauling, | - | - | - | 314 10 |
| " sharpening tools, | - | - | - | 57 33 |
| " hay sold, | - | - | - | 134 03 |
| " sand, | - | - | - | 33 00 |
| " hire of hands on national monument stone, | - | - | - | 88 00 |
| " horses sold, | - | - | - | 862 50 |
| " rock, | - | - | - | 6,652 45 |
| " property sold at auction, | - | - | - | 1,042 30 |
| " J. R. & K. Co. tolls refunded, | - | - | - | 773 19 |
| | | | | <hr/> |
| | | | | 11,691 10 |
| Paid by paymaster, as per cash accounts rendered, for contingencies, | - | - | - | 9,377 01 |
| | | | | <hr/> |
| Balance on hand, ready to be paid over, | - | - | - | <u>\$ 2,314 09</u> |

*To the Chairman of Committee
on Washington Monument.*

SIR,

I respectfully submit the above report, shewing the amounts I have received and the several items for which I received them, with the amount of disbursements for contingencies to date.

Respectfully yours,

E. S. GAY, P. M. W. M.

* The advances on pay rolls are the sums paid by me and charged on cash account to persons leaving before the end of the month or receiving their pay in advance: the names of such being on the rolls, I credit the amounts and charge myself as above.

Amounts due the Washington Monument on 15th March 1852.

| By whom. | Amount. | Condition. |
|------------------------|-------------------|--|
| Henry Exall, - - | 154 51 | Referred to gas committee for settlement |
| Charles Wood, - - | 52 01 | Good debt. |
| Thomas Bates, - - | 36 03 | Good debt. |
| R. J. Blunt, - - | 20 60 | Bad debt. |
| Collins & Carlton, - - | 179 15 | Bad debt. |
| Mr. Mountjoy, - - | 2 25 | Good debt. |
| Samson & Pac, - - | 6 00 | Good debt. |
| J. D. Quarles, - - | 71 09 | Good debt. |
| A. Hughes, - - | 165 00 | In suit, probably good. |
| John A. Temple, - - | 1410 84 | In bank for collection, |
| Henry Exall, - - | 143 60 | Good debt, - } Due for mona- |
| R. B. Bagby, - - | 82 62 | Good debt, - } ment property |
| W. F. Hood, - - | 96 90 | Good debt, - } sold at auction. |
| J. Simpson, - - | 62 25 | Good debt, - } |
| J. T. Rogers, - - | 112 50 | Good debt. |
| | \$ 2596 35 | |

*To the Chairman of Committee
on the Washington Monument.*

SIR,

The above exhibits the amounts due to the Washington monument, so far as reported to me, and the character of the respective debts.

Respectfully submitted.

E. S. GAY, P. M. W. M.

To his Excellency Gov. JOHN B. FLOYD.

DEAR SIR,

The 1st of June last I mentioned to the superintendent of the Washington monument, Mr. Rand, that I wanted an increase of my salary, to which he replied that he was perfectly willing, provided that your excellency would sanction the same.

I now ask for that increase for six months last past, the amount of which is fifty dollars. I also mentioned it to Paymaster Gay, and he heartily agrees with me.

I now wait patiently for your approval.

Most respectfully,

Your humble serv't,

JOHN A. TEMPLE,
Foreman W. Monument.

Richmond, Dec. 15, 1851.

RICHMOND, September 20, 1851.

DEAR SIR,

The stone cutters employed in cutting stone for locks 4 and 5 complain that the stone furnished them from the state quarry are too rough, requiring too much labor to admit of their being cut at the rates heretofore paid; and as I refused to increase the rates, some of the best workmen have left the work. On examination I find there is just ground of complaint, and that the stone now furnished is not as well gotten out as formerly, when the locks were in the hands of Mr. Laird.

The enclosed letter from Mr. Mahony, superintendent of masonry, explains in some measure the true cause of the complaints.

Respectfully, yours, &c.

E. H. GILL,
P. A. Engineer T. W. C.

Hon. J. Y. MASON, *Pres't J. R. & K. Co.*

RICHMOND, Sept'r 20th, 1851.

SIR,

I have ascertained that stone are now furnished from the state quarries to individuals in Norfolk and elsewhere, to the detriment of the work of locks 4 and 5, leaving, to a great extent for said work, third rate materials; and as the stone are exceedingly rough, the workmen are dissatisfied and quitting, being unwilling to cut them at the usual rates. We shall probably have to increase the price, unless suitable stone are furnished.

Very respectfully,

FRANCIS MAHONY,
Sup't Masonry.

To Mr. E. H. GILL,
P. A. Engineer.

RICHMOND, Sept. 26, 1851.

To his Excellency JOHN B. FLOYD.

Yesterday I received two communications through your hands, from the principal assistant engineer of tidewater connection, setting forth complaints against the stone furnished by the Washington monument quarry under my charge. On receiving these communications, I immediately examined the force of the company's stone cutters, and found thirteen at work at our quarries and five at locks 4 and 5, making eighteen hands. Not one man has left, as stated by the engineer; and as to the roughness of the stone furnished by me as superintendent of the quarry, they are generally a better lot of stone than have been furnished from quarries for locks 1, 2 and 3, which I can prove by a committee of investigation of competent men, if required by your excellency.

I am yet to learn whether Mr. Mahony or Mr. Gill has the control of the monument quarry, to direct what shall be delivered to A, B or C. I have endeavored, before and since the transfer of Mr. Laird's contract, to facilitate the work of locks 4 and 5, and their force of stone cutters, and stone on the ground substantiates the fact: and in conclusion, I state, what I have thought and do believe, that Mr. Gill's object, from the beginning of Mr. Laird's contract, was to break him up in his contract, which object was effected.

I will further state, that we are in advance with the face stone for locks 4 and 5, to some considerable extent. Of the backing, the proportions, two of backing to one of face stone, being the agreement with Mr. Laird, and turned over to the company. The face stone for

the locks 4 and 5 are ready to lay in the locks, more than they will lay in eight months with the aid of five stone cutters.

Our quarry now at this time is capable of furnishing stone for locks, to keep twenty stone cutters at work.

Very respectfully yours,

O. H. RAND,
Sup. Va. W. M.

RICHMOND, March 11th, 1852.

JOSEPH SEGAR, Esq.

Ch'm of Com'ee on the Monument.

SIR,

I have received your note of this date, and reply to it at once. The three hundred dollars of which you speak, I presume must be an account which I incurred with the contingent fund of the Washington monument some time since, in purchasing part of a cargo of hay, and a further sum which I paid to liquidate the account due from Mr. Laird to the Washington monument, and which debt, I having authorized the superintendent to contract, I chose to guarantee. I have never seen or touched one dollar of the monument fund.

As to "the contract with Mr. Laird for stone sent to Norfolk," I have to unmask that: There never was a separate or distinct contract with him for any specified stone intended to be sent to that city. Early last spring, I think it was, the superintendent of the monument made a contract with Mr. Laird to furnish him stone for the construction of two locks upon the tidewater connection of the James river and Kanawha canal, for building which Mr. Laird had contracted. The terms of sale were, that all stone the monument could spare, good and bad, he should pay for at one dollar and twenty-five cents a cubic yard; but no obligation whatever was incurred to furnish any specific amount, or stone of any particular quality. Mr. Laird was to take all such stone as the uses of the monument did not require. From amongst the stone thus purchased he selected some of the best quality to supply a contract he had made in Norfolk for the delivery of stone there. This was objected to by the paymaster, on the ground, I believe, that Mr. Laird sold the stone for probably three or four times the amount he paid for it. I overruled this objection, because, by the terms of his contract, he took at least two-thirds of the stone of a quality so inferior that it could not be sold for the price he gave, nor probably at all, except for the work he was engaged upon: therefore, I thought the average price fair and sufficient. Indeed the price of stone had been fixed by a contract previously entered into for furnishing stone to a city culvert upon terms not quite so good as those pro-

posed by Mr. Laird. Some time after this contract, Mr. Laird entered into an arrangement with the James river and Kanawha company, by which they took the lock work off his hands; whereupon, I directed a similar contract with Mr. Laird in every particular, to be made with that company. After this, Mr. Laird asked the privilege of fulfilling his Norfolk engagement upon the original terms. I allowed this, because the quantity of inferior stone or "backing" which he had paid for bore a very undue proportion to stone of a better quality he had received at that time; and hence, in my judgment, justice required the course I pursued. This is a full history of the whole transaction, as well as I can remember it, for I considered it at the time matter of very small moment.

From the terms of your note, I will speak briefly of the general management of the monument affairs.

When the fund was appropriated by the legislature to build a monument to Washington, and placed almost exclusively at the discretion of the executive, I determined, so far as my action was concerned, to build one in every way worthy of Virginia. The plan was selected, after very patient and elaborate investigation, by a committee of gentlemen, whose taste and information entitled them to the highest respect. I resolved to construct it of granite from this vicinity, and to have the work executed in a style of unequaled elegance and beauty. I soon learned that such work could not be done by contract, at any price deemed at all within the bounds of reason, and consequently that it must be done by the employment of a sufficient force, under the direction of a skillful superintendent. An architect was necessary, and I selected one, whose skill, industry and high professional rank were ample guarantees of his fitness. I appointed a superintendent, numerous and powerfully recommended to me for his skill and qualifications. Into the hands of this agent I entrusted exclusively the mechanical operations connected with the whole work. These duties were very numerous and onerous, as well as of the highest importance; for, upon his skill and fidelity depended the success or failure of the work. How far he deserved the confidence reposed in him, the committee can judge by an inspection of the work already done. I have every reason to be perfectly satisfied and pleased with his honesty, zeal and activity in carrying on the work. The character of the material and the style in which it has been wrought, I think probably superior to any work in granite to be found in the United States.

The cost of this work, necessarily very expensive, was materially abridged by the manner in which it has been conducted. The stone used in the work is of the very best as well as of the most costly sort, being selected with a view to exact identity of texture and color, and of a very large size. Your committee are aware that this stone has been taken from quarries opened by my orders upon a lot of ground belonging to the commonwealth. In progress of working the quarries, large quantities of stone, unfit for monument purposes, were taken out and sold, which diminished greatly the cost of the stone used in the work, whilst the range of selection thus afforded furnished the very best

material. I directed a very heavy force to be put upon the work during the last spring and summer, for the purpose, if possible, of placing upon the square all the stone necessary to finish the work. This object was not fully attained, but it was so nearly approximated that I determined to close the operations, sell all the perishable property not necessary for the continuation of the building, to settle all the business arising from the extended duties of every one connected with these transactions, and to hand over the work so simplified and arranged that it could be seen through at a glance, and managed without difficulty. The disposition made of the stone quarries, and the provision thereby effected for supplying all the stone to complete the monument, you have before you in the reports of the architect.

I will only add, if the statues to be placed upon the work shall be such as the high character of the artist executing them warrants us in expecting, it will be risking little to say, that no monument in America, and few if any abroad, will equal ours in design, in material, or in execution.

I have, sir, the honor to be,

Very respectfully,

Your ob't serv't

JOHN B. FLOYD.

[DOC. No. LVII.]

PETITION

BY

HEIRS OF WILLIAM ARMISTEAD,

ASKING

PAYMENT OF LAND BOUNTY.

1852.

P E T I T I O N .

To the General Assembly of Virginia.

The undersigned, heirs at law and distributees of persons who were officers in the Virginia line in the war of the Revolution, and holders of military land bounty warrants issued to them in consideration of the military services of the said officers in said line and war, respectfully represent to your honorable body—

That at various periods of our revolutionary struggle Virginia, by as many acts of her general assembly, promised bounty in land to those of her citizens who would engage in her service in the conflict then pending for the independence and liberties of the American colonies :

That under the inducements held out by these acts many of her citizens engaged in the war of independence, and by their valor, toils and sufferings, contributed to bring to a successful result the great struggle for colonial freedom :

That in order to make good her solemn engagements to the officers and soldiers who should engage in her military service, and fight her own and the battles of her colonies, Virginia, by an act of her legislature passed in May 1782, (see Hen. Stat. at Large, vol. ii, p. 14,) pledged the whole of her public domain :

That at a crisis of great public difficulty, she surrendered to the confederation her vast unappropriated territory, but so surrendered it with an express reservation of so much thereof as would satisfy all the claims of her officers and soldiers to the land bounties she had promised them :

That accordingly, when the said surrender was made, a considerable extent of territory was set apart as a fund for the satisfaction of the land bounty warrants she had issued to her officers and soldiers :

That this reservation would have been amply sufficient to satisfy all the said warrants, but that by the act of the federal government, to wit: by the treaties of Hopewell, concluded in 1785 and 1786 between the United States and the Chickasaw and Cherokee Indians, a large portion of the land, reserved by Virginia as bounties to her troops, was wrested from her possession and transferred to the said Indians :

That this act created a manifest obligation on the part of the United States to make good the deficiency, by supplying an equivalent quantity of other lands, in lieu of those thus taken from Virginia :

That besides this direct obligation of the United States, congress, by the general assumption act of 1790, made provision for the pay-

ment of all the debts of all the states which had "accrued, for the general or particular defence, during the war," and that on the principle of this act, congress is bound to provide for the Virginia land bounty warrants yet outstanding, the said warrants manifestly constituting a debt for the "particular and general defence during the war:"

That the warrants now held by your memorialists are utterly valueless, in consequence of the exhaustion of the fund provided for their payment :

That your memorialists despair of obtaining justice at the hands of congress, though that body is daily voting away millions upon millions of the very land ceded by Virginia for the common weal :

That despairing of relief from congress, they now appeal to Virginia herself, for the payment of these, their just and meritorious claims.

Your memorialists humbly conceive that Virginia is bound by every consideration to make good the warrants they now hold, either in land or its fair equivalent in money. Those warrants were issued from the land office of Virginia, in pursuance of Virginia laws, in compliance with Virginia engagements, and for services rendered in the Virginia armies, that fought and won the battles of the Revolution. If the federal government will not do its duty in the premises, Virginia should not shrink to do hers. If the former repudiate its just obligations, it is no reason that Virginia should follow so forbidding an example. One thing is plain—some one ought to pay these claims. If the U. States will not, Virginia ought. Her honor demands it. Your petitioners hold her bonds, drawn by her authorized agents and attested by her seal, and they have the right to ask, and do now ask payment.

Your memorialists therefore pray that a law may be passed, requiring the auditor of public accounts to issue his warrant on the treasury in their favor, for the value of the warrants they now hold, and your petitioners, as in duty bound, will ever pray, &c.

G. W. CAMP,

E. B. CAMP,

Heirs and Distributees of Wm. Armistead, dec., Capt. Va. State Line.

[DOC. No. LVIII.]

REPORT

OF

THE COMMITTEE OF FINANCE

RELATIVE TO THE

REVENUES, LIABILITIES, EXPENSES, ETC.

OF

THE COMMONWEALTH.

1852.

REPORT.

The committee of finance have had under consideration the clauses of the constitution to them referred, together with the debt, liabilities, expenses, revenues and resources of the state, and have conducted their investigations into these important subjects, under a solemn sense of responsibility. The duties of the committee, at all times important, delicate and difficult, are rendered more so at the present juncture, by the fact, that the necessity devolves on the general assembly, at this session, to apply to the actual condition of society a system of taxation with which our people are unfamiliar, and which, it is apprehended, may be found in practice to be inquisitorial and vexatious, if not irritating and impracticable. It adds to the embarrassment of our position, that this new system of taxation must be introduced at a time when the finances are involved—when there exists an inveterate necessity for a considerable increase of the taxes, and a consequent augmentation of the public burdens, to be devolved upon the citizen.

The committee feel themselves encouraged to expect the kind indulgence and forbearance of the house and of the country, in the execution of their difficult task, as the introduction and application of the *ad valorem* system of taxation is not voluntary on their part, but forced upon them by the stern and imperative provisions of the constitution; and some of the members of the committee have been distinguished by their opposition to the series of measures which have resulted in the existing public debt, for the payment of which it is now their ungracious duty to provide.

The twenty-ninth clause of the fourth article of the constitution requires the creation of a sinking fund, equal to seven per cent. on the state debt existing on the first January 1852, to be applied to the regular payment of the interest on the debt and the ultimate satisfaction of the principal. It also provides, that whenever after January 1st, 1852, a debt shall be contracted by the commonwealth, a sum exceeding by one per cent. the aggregate amount of the annual interest agreed to be paid thereon, at the time of its contraction, shall be set apart for the payment of the annual interest and the ultimate extinguishment of the debt.

In making an effort to carry into effect this provision of the constitution, it became the duty of the committee to ascertain the exact amount of public indebtedness on the 1st January 1852, and to note the variations down to 20th March 1852. The result of this investigation is respectfully submitted.

On the first of January eighteen hundred and fifty-two, bonds and evidences of public debt were registered in the office of the auditor

of public accounts, to the amount of seven hundred and ninety-three thousand one hundred and forty-six dollars and seventeen cents. Similar evidences were registered in the office of the second auditor to the amount of twelve million six hundred and thirty-nine thousand four hundred and eleven dollars and seventeen cents. Since the first January 1852, public credit has been funded to the amount of eight hundred and seventy-nine thousand six hundred and seventeen dollars, making an aggregate of fourteen million three hundred and twelve thousand one hundred and seventy-four dollars and eighty-one cents, existing in the form of funded debt, evidenced by bonds registered in the offices of the fiscal officers of government, and now bearing interest.

On the 30th September last there was payable to certain internal improvement companies, on account of valid subscriptions already made and binding the state in law and equity, the sum of five million fifty-eight thousand one hundred and thirty dollars and twenty-five cents. Between the 30th September and the 1st January, there was funded of public credit the sum of eight hundred and forty thousand five hundred and eighty-five dollars, which, added to the sum funded since 1st January last, of eight hundred seventy-nine thousand six hundred and seventeen dollars, will make an aggregate of one million seven hundred and twenty thousand two hundred and two dollars, applicable to the payment of the claims due to joint stock companies on valid subscriptions made before the 30th September 1852, and reducing the sum now demandable by those companies, to three million three hundred and thirty-seven thousand nine hundred and twenty-eight dollars and twenty-five cents, but increasing the funded debt to fourteen million three hundred and twelve thousand one hundred and seventy-four dollars and eighty-one cents, as above stated.

On the 30th September last the state was liable in the further sum of one million and eighty dollars, dependent on the organization of the joint stock companies to which that sum was authorized to be subscribed. Since the 30th of September some of those companies have become organized, and having complied with the provisions of law, the state, on their account, has become bound in law and equity, by valid subscription, for the further sum of two hundred and sixty four thousand seven hundred and twenty dollars.

If this sum of two hundred and sixty-four thousand seven hundred and twenty dollars be added to the three million three hundred and thirty-seven thousand nine hundred and twenty-eight dollars and twenty-five cents, it forms an aggregate of three million six hundred and two thousand six hundred and forty-eight dollars and twenty-five cents, which, together with the funded debt, will constitute an aggregate of seventeen million nine hundred and fourteen thousand eight hundred and twenty-three dollars and six cents, due from the commonwealth on bond, or on valid subscription to organized companies, binding the state in law and equity—all of which will probably be funded at an early day, and constitute an interest paying debt.

The commonwealth is also exposed to be called upon to pay additional subscriptions, authorized by existing laws, amounting to seven

hundred and thirty-two thousand five hundred and sixty dollars. The companies to which this sum was authorized to be subscribed, may at any time take such action as may render their demand on the treasury valid and obligatory, without the further action of the general assembly; and it is nearly certain that such action will be taken by several of these companies, effecting a considerable augmentation of the funded debt; and a provident financier is bound to contemplate an enlargement equal to the whole sum of seven hundred and thirty-two thousand five hundred and sixty dollars.

The commonwealth has also become bound as security for several corporations and joint stock companies in the sum of three million nine hundred and one thousand three hundred and seventy-four dollars. A sanguine temperament may indulge a hope that the liability on this account may never attach, and perhaps such hope is rational; yet it is obliged to be perceived, that as to more than two millions of this sum the co-obligor, for whom the state is bound as surety, is involved in pecuniary embarrassments, and is in fact unable to meet its engagements, being at this time virtually an applicant to the legislature to relieve the company from its obligation to pay the bonds, by assuming the whole responsibility on the public treasury.

The injury resulting to the state, from her obligations to pay these bonds, was perspicuously pointed out by the chief magistrate of the commonwealth, in his annual message of December 1850, when it was recommended by that distinguished public functionary, as a measure of policy, that the state should become sole obligor in the bonds, taking the best precautionary measures for her own indemnity.

If this policy shall prevail, or if the liability of the commonwealth shall attach by the failure of her co-obligor to meet the demand, and the sum of guaranteed bonds, with the sum of authorized subscriptions to companies not yet organized, be added to the debt and liabilities of the state, we have a grand aggregate of twenty-two million five hundred and forty-eight thousand seven hundred and fifty-six dollars and six cents—the sum of the debt and liabilities of the state.

It is proper to state that the public faith is pledged and the state is in some form bound as surety for the payment of the interest on the sum of indebtedness of the James river company, being four million four hundred and seventy-four thousand six hundred and forty-five dollars and thirty-three cents, and exceeding the amount of her liability as co-obligor with that company by the sum of two million two hundred and fourteen thousand six hundred and forty-five dollars and thirty-three cents, the annual interest on which is equal to one hundred and thirty-two thousand eight hundred and seventy-eight dollars and seventy-one cents.

To present the subject in a compendious form, a statement of the items is herewith offered, excluding the interest on the James river debt.

Statement of the Public Debt of Virginia.

1852.

| | |
|---|------------------------|
| Jan. 1, Bonds registered in the office of the auditor of public accounts, - - - | 793,146 17 |
| Bonds registered in the second auditor's office, - - - | 12,639,411 64 |
| Bonds funded since January 1, 1852, - | 879,617 00 |
| Total funded debt 20th March 1852, - | 14,312,174 81 |
| Amount of valid subscriptions to companies organized before 30th September 1851, - | 3,337,929 26 |
| Amount of valid subscriptions to companies organized since the 30th September 1851, - | 264,720 00 |
| Funded debt and valid subscriptions, - | 17,914,823 06 |
| Amount of subscriptions authorized to companies not yet organized, - - | 732,560 00 |
| Amount of bonds guaranteed by state as surety for corporations and joint stock companies, - - - | 3,901,374 00 |
| Total, - - - | <u>\$22,548,757 06</u> |

Duty to the general assembly and to the public, no less than considerations of public policy, have controlled the action of the committee in presenting this expose of the true state of the debt and liability of the commonwealth; but it is not insisted that a necessity rests on the general assembly at its present session to organize a sinking fund for the extinguishment of the whole sum of twenty-two million five hundred and forty-eight thousand seven hundred and fifty-seven dollars. It is conceded that the amount of the guaranteed bonds may be properly omitted at present, as the obligation to pay by the state does not attach until default made by the co-obligors. This deduction would reduce the sum to eighteen million six hundred and forty-seven thousand three hundred and eighty-two dollars and six cents, as the true amount on which to estimate a sinking fund.

There is held by the Board of public works and the president and directors of the Literary fund, an amount of evidences of state indebtedness, equal to the sum of one million five hundred and eleven thousand five hundred and eighteen dollars and ninety-one cents. The relation which is borne to the commonwealth by these state corporations, is such as to create an impression on the part of some eminent men, that it is not necessary to compute this sum in the estimate for the sinking fund—though it is conceded that the annual interest must be paid thereon, through all time. If this construction be sustained, the estimate for the sinking fund will be reduced to seventeen million one hundred and thirty-six thousand eight hundred and sixty-three dollars and fifteen cents; but there will be a continued necessity to raise a sum equal to the annual interest, which will occasion a variation in the estimate equal to one per cent. on this amount.

It has been further insisted by distinguished men, that the amount of subscriptions authorized to be made to joint stock companies not yet organized, shall also be excluded from the estimate for a sinking fund. If the force of their reasoning shall prevail, and that sum be deducted from the estimate, there will remain sixteen million four hundred and four thousand three hundred and three dollars and fifteen cents, as the smallest possible estimate for a sinking fund—leaving the necessity, however, to provide for the annual interest accruing on any portion of the seven hundred and thirty-two thousand five hundred and sixty dollars, which may be rendered valid against the treasury. If this minimum sum of sixteen million four hundred and four thousand three hundred and three dollars and fifteen cents be adopted as the basis of the sinking fund, it will be necessary to raise annually for thirty-four years, seven per cent. on that amount, equal to an annual charge on the treasury of one million one hundred and forty-eight thousand three hundred and one dollars and twenty-two cents, constituting a charge upon the treasury, to be discharged in thirty-four years, equal to thirty-nine million forty-two thousand two hundred and forty-one dollars and forty-eight cents.

To this sum must be added the annual interest at six per cent. on the one million five hundred and eleven thousand five hundred and eighteen dollars and ninety-one cents due to the Board of public works and to the president and directors of the Literary fund, leaving ninety thousand six hundred and ninety-one dollars and forty-six cents, and constituting a charge upon the treasury, to be discharged in thirty-four years, equal to three million eighty-three thousand four hundred and ninety-eight dollars and forty-two cents, which, added to the charge of the sinking fund on the existing debt, will form an aggregate of forty-two million one hundred and twenty-five thousand seven hundred and thirty-nine dollars and ninety cents, to be paid in thirty-four years.

It will appear from the exhibit of the expense of the civil lists and the incidental and unavoidable expenditures of the current year, to be furnished with this report, that to meet those demands will require a sum equal to six hundred and fifty thousand dollars. In looking to the history of the past, we discover a rapid increase in the annual expense of administering the government; and it is apprehended that this progressive augmentation will be extended through the future, as the machinery of government becomes more and more complicated, by its connection with various public works and incorporations; but if we assume the amount of the current year as a probable average of thirty-four years, we shall find that item of expense to constitute a charge on the treasury equal to twenty-two million one hundred thousand dollars, to be discharged in thirty-four years; which, being added to the sum of forty-two million one hundred and twenty-five thousand seven hundred and thirty-nine dollars and ninety cents, will form an aggregate of sixty-four million two hundred and twenty-five thousand seven hundred and thirty-nine dollars and ninety cents, to be discharged in thirty-four years.

But a very large proportion of seven hundred and thirty-two thousand five hundred and sixty dollars of authorized subscriptions to companies not yet organized, will probably be funded before the meeting of the next general assembly, and constitute the basis of a sinking fund, even if excluded at the present session. Seven per cent. on that sum will be fifty-one thousand two hundred and seventy-nine dollars and twenty cents; which, extended through thirty-four years, will form an aggregate of one million seven hundred and forty-three thousand four hundred and ninety-two dollars and eighty cents, and carrying up the charge on the treasury to sixty-five million nine hundred and sixty-nine thousand two hundred and thirty-two dollars and seventy cents, to be discharged in thirty-four years.

By a most respectable committee of the house of delegates it has been recommended to the general assembly to appropriate to certain works of internal improvement, denominated "leading lines," the further sum of four million six hundred and sixty-two thousand dollars, with prospective appropriations to the same works far exceeding that sum. If this recommendation be carried into effect, the estimates of the sinking fund must be extended by seven per cent. on that sum annually, being three hundred and twenty-six thousand three hundred and forty dollars; which, carried through thirty-four years, will form an aggregate of eleven million ninety-five thousand five hundred and sixty dollars. This sum added to the sixty-five million nine hundred and sixty-nine thousand two hundred and thirty-two dollars and seventy cents, will constitute a charge upon the treasury of seventy-seven million sixty-four thousand seven hundred and ninety-two dollars and seventy cents, to be discharged in thirty-four years.

If the interest be computed from the date of the advancements on the several sums which will be paid by the commonwealth in the extinguishment of this vast debt, it would exhibit a result which would be startling, especially when contrasted with the comparative expenditures of the preceding thirty-four years.

In stating an account of the indebtedness of the commonwealth, the friends of large appropriations and heavy expenditures usually insist on exhibiting a statement of what they denominate her resources. It cannot be conceded by your committee that this is essential to sustain public credit. The power of taxation vested in the legislature is an ample resource for raising a fund adequate to the extinguishment of any debt which may be contracted; and none can apprehend a state of public morals which would sustain the disavowal of an obligation legally contracted by the constituted authorities of the state. The parade however of a long list of "resources," involves our accounts in complexity, renders them difficult of comprehension, and is calculated, if not designed, to reconcile the public mind to a progressive augmentation of public indebtedness. Nor are these tendencies at all arrested, or the statement of the accounts rendered more perspicuous, by the manner in which they are presented. By close examination we may attain to a knowledge of the true amount of obligation incurred by the state, as a debt contracted for the purposes of internal improvement, with the addition of 450,107 dollars con-

tracted for the purchase of stock in one of the banks. The statement of the "resources," relied upon to discharge this obligation, is made to comprehend all stocks held by the Board of public works, by the president and directors of the Literary fund, and by the commonwealth without the intervention of a corporation.

The president and directors of the Literary fund hold the stock of the state equal to one million one hundred and thirty-two thousand six hundred and six dollars. In stating the indebtedness of the commonwealth it has been insisted that, in consequence of the relation which it bears to the state, the obligations may be considered as canceled, and the debt extinguished to that amount; but in estimating the list of resources, this is treated as a valid debt due to the Literary fund, and as such, properly applicable to the payment of the public debt—thus complicating the accounts and making an impression altogether illusory. This scrip is in fact a pledge of the public faith to advance for literary purposes a sum equal to the annual interest on the amount. It is pledged to those purposes forever, and can never be withdrawn to be applied to the satisfaction of the public debt without a breach of public faith, and will never be applied to such a purpose as long as education is appreciated by the general assembly. The interest on this amount is annually paid from the treasury and applied to the purposes of education, and it is not perceived how it can be said with candor to be a debt actually canceled, or property which may be diverted from its legitimate destination and applied to the payment of the public debt.

The president and directors of the Literary fund hold bank stock given by the commonwealth equal at par value to three hundred and nine thousand two hundred and seventy-two dollars. The dividends are pledged by law, and annually applied to the purposes of education—can never be diverted from those purposes without a breach of public faith—yet this stock is enumerated among the resources applicable to the payment of the public debt.

The commonwealth herself, without an intervening corporation, holds bank stock of the par value of two million three hundred and forty-six thousand eight hundred dollars, the dividends on which are annually absorbed in the payment of the regular annual expenses of the government; yet in the list of resources this is claimed as an offset against the public debt, and it is insisted that the indebtedness of the state is reduced by that amount.

These several items serve merely to give complexity to the amounts, to mystify the subject, and make it difficult to reach a true understanding of the finances of the commonwealth.

It is to be observed that the bank stock held by the commonwealth, as also that held by the Literary fund, was procured with money collected as taxes and paid at the treasury. They are not the result of profit derived from any appropriation made to any work of internal improvement. The dividends on the stock are annually applied to objects indispensable in their character; and if the dividends be appropriated to any other object, it would be absolutely necessary to provide other funds for the purposes or objects which they now accom-

plish. It therefore appears to be unphilosophic to include them in any estimate of resources to be applied to the diminution or extinguishment of the public debt.

The resources truly applicable to the extinguishment of the public debt are those which constitute the Fund for internal improvement. Other public funds were provided for other purposes, and are applied and exhausted in accomplishing objects for which they were created. The internal improvement fund consists of various debts, bonds and stocks, amounting to fourteen million sixteen thousand nine hundred and eighteen dollars and ninety-eight cents; some of which afford income or dividend, far the larger portion being wholly unproductive, though sanguine hopes are entertained that they may hereafter yield a large revenue. A statement of the stocks of the fund, together with an exhibit of the receipts in money through the last fiscal year, will be herewith furnished. From this statement it will appear that the dividends, derived from the works constructed by the expenditure of the fourteen million sixteen thousand nine hundred and eighteen dollars and ninety-eight cents, are, from canal and navigation companies, thirteen thousand three hundred and fifty dollars; from railroad companies, twenty-four thousand two hundred and sixty-four dollars; and from turnpike companies, three thousand nine hundred and eighty-seven dollars and forty-three cents—making an aggregate, received from all works of internal improvement, of forty-one thousand six hundred and one dollars and forty-three cents—dividend and income from fourteen million sixteen thousand nine hundred and eighteen dollars and ninety-eight cents.

The financial policy of certain railroad companies induced them, in years which are past, to declare dividends which they were not prepared to pay in money, and for which they executed the bonds of their respective companies. The Board of public works holds, for the benefit of the Fund for internal improvement, these bonds for the sum of one hundred and thirty-one thousand two hundred and thirty-eight dollars, on which interest was paid during the last fiscal year, amounting to eight thousand four hundred and fifty-nine dollars.

The board also holds the stock of the old James river company, on which is paid the annual interest, amounting to eight thousand five hundred and twenty dollars.

It also holds bonds of certain companies, guaranteed by the state, amounting to nine thousand dollars, on which the interest was paid, amounting to five hundred and forty dollars.

These three items added to the \$41,601 43, received in the form of dividends, afford an income to the fund equal to fifty-nine thousand one hundred and twenty dollars and forty-three cents.

This is believed to have been the true and only revenue of the Fund for internal improvement through the past fiscal year, except what was paid from the treasury in the form of interest on state scrip, or what was received from the banks in the form of dividends on stock given to the fund by the state, or in the form of bonus paid by the banks on their stock held by the board—the stock having been procured by the state by money collected from the people as taxes.

Receipts of the Fund for Internal Improvement for the fiscal year ending on the 30th of September 1851.

| | | | |
|---|---|-----------|----------------------|
| Dividends from canal and navigation companies, | - | - | 13,350 00 |
| Do. from railroad companies, | - | - | 24,264 00 |
| Do. from turnpike companies, | - | - | 3,987 43 |
| | | | <hr/> |
| | | | 41,601 43 |
| Interest on stock of old James river company, | - | - | 8,520 00 |
| Interest on dividend bonds: | | | |
| \$12,000, Peter burg and Richmond railroad company, due before 1st Oct. 1851, | - | 720 00 | |
| \$3,270, Petersburg and Richmoud railroad company, due 1st Oct. 1851, | - | 686 00 | |
| \$33,408, Richmond, Fredericksburg and Potomac, | - | 2,100 00 | |
| \$82,560, Richmond, Fredericksburg and Potomac, 1st July 1851, | - | 4,953 00 | |
| | | | <hr/> |
| | | | 8,459 00 |
| \$9,000, Bonds guaranteed by state, | - | - | 540 00 |
| | | | <hr/> |
| | | | 59,120 43 |
| \$375,912, Interest on state scrip, | - | - | 21,430 74 |
| \$1,143,850, Par value bank stock—Dividend, | - | 91,305 50 | |
| Bonus, | - | 46,818 45 | |
| | | | <hr/> |
| | | | 138,123 95 |
| | | | <hr/> |
| | | | 218,725 12 |
| Charges on the fund for salaries, surveys and contingent expenses, estimated for 1852 by second auditor, | - | - | 57,847 96 |
| | | | <hr/> |
| | | | 160,877 16 |
| Probable increase for 1853, estimated by second auditor, | - | - | 33,606 00 |
| | | | <hr/> |
| Estimated receipts of the fund for 1853, | - | - | <u>\$ 194,483 16</u> |

According to the provisions of several acts of assembly passed on 25th March 1842, 1st March 1847, and 25th January 1850, the bonds of the commonwealth have been loaned to the James river and Kanawha company as a means of raising money, amounting to the sum of one million five hundred and ninety-six thousand dollars, on which there is due and payable annually for interest, ninety-five thousand seven hundred and sixty dollars. The Board of public works is used as the instrument or agent of the commonwealth to receive this amount from the James river and Kanawha company, and distribute it among the creditors who purchased the bonds; but as the board is not considered to hold any property or interest in the subject for the benefit of the Fund for internal improvement, it is not comprehended in the statement of the receipts and resources of that fund, exhibited above.

On the 11th day of April 1851, the Board of public works entered into a contract with Selden, Withers & Co., private bankers of the city of Washington, by which that house was authorized to dispose of the bonds of the commonwealth, to the amount of one million of dollars, at par; and also the further sum of three millions of dollars, at two per cent. above par. By the terms of the contract, the house was to enjoy the benefit of any premium which the bonds would command above the terms specified in the contract, and such premium was to be received as the compensation for negotiating the sale.

Selden, Withers & Co. were not purchasers of the bonds, but only agents for effecting the sale ; and by consequence, were not bound to advance funds, except such as were procured by the sale of the credit of the commonwealth. It is not perceived that any security was exacted of them for the faithful execution of their part of the contract, in accounting for the money which may be received by them as agents of the state.

Under this contract, bonds of the state had been disposed of on the 19th March, amounting to two million two hundred and sixty-eight thousand dollars, and there remained, subject to the operation of the contract, the sum of one million seven hundred and thirty-two thousand dollars. Without expressing an opinion as to the receipts, or propriety of placing beyond the control of the state the sale of so large an amount of public credit, under the circumstances which existed at the date of the contract, your committee recommend that all sales hereafter to be effected, not embraced in this contract, shall be effected after reasonable notice, and under circumstances of fair and free competition among bidders and capitalists.

They are also made agents for the periodical payment of interest on the bonds, until the debt shall be redeemed or discharged ; and it does not appear that they give any security for the proper application of the funds stipulated to be placed at their control and subject to their order one month before the interest is demandable.

The amount to be thus placed at their disposal being the interest on four million of dollars, is two hundred and forty thousand dollars annually, or one hundred and twenty thousand dollars semi-annually, the interest on which for the month required to be at their disposal, is equal to twelve hundred dollars annually, or one-half of one per cent. As the interest on the four million dollars is payable at any point which may be agreed upon by the agents, and the commonwealth must bear the expense of transmitting the funds, that expense will probably be measured by the rate of exchange between Richmond and the point of payment, and will be such as, in connection with the twelve hundred dollars above referred to, must make the loan of four million a stock costing more than six per cent.

Your committee would respectfully suggest to the general assembly the propriety of enquiring into the practicability of effecting some modification of the contract in the particulars specified, to make it more safe and consistent with the interest of the commonwealth.

The committee have all confidence in the integrity, solvency and ability of the firm to whom this trust is confided ; but as the sums to be placed at their disposal are large, and the agency is extended through the long term of twenty years, they feel it to be their duty to bring the facts stated to the candid consideration of the general assembly.

Probable Receipts into the Treasury during the Fiscal Year terminating on the 30th Sept. 1853, exclusive of Loans and Taxes on Licenses and Property.

RESOURCES OF THE COMMONWEALTH.

| | | | | Dividends. |
|---|---|---|-----------------|----------------------------|
| Bank stock, par value \$2,351,300, | - | - | - | 185,954 00 |
| Tax on bank dividends, | - | - | - | 10,000 00 |
| Interest bond of James river and Kanawha company, | - | - | - | 16,118 72 |
| Tax on law process, | - | - | - | 35,000 00 |
| Notarial seals, | - | - | - | 6,000 00 |
| Tax on great seal, | - | - | - | 50 00 |
| | | | | <hr/> 253,122 72 |
| Militia fines, | - | - | 14,000 00 | |
| Register's fees, | - | - | 6,500 00 | |
| Redemption of delinquent lands, | - | - | 800 00 | |
| Sale of convict slaves, | - | - | 8,380 00 | |
| Penitentiary sales, | - | - | 10,000 00 | |
| Records of court of appeals, | - | - | 5,000 00 | |
| Sale and storage of tobacco, | - | - | 6,000 00 | |
| Miscellany, | - | - | 8,000 00 | |
| Washington monument fund, | - | - | 6,500 00 | |
| Sale of waste and unappropriated land, | - | - | 5,000 00 | |
| | | | <hr/> 75,180 00 | |
| Exclusive of property and license tax, | - | - | - | <hr/> <u>\$ 328 302 72</u> |

RESOURCES OF BOARD OF PUBLIC WORKS FOR 1853.

| | | | | Dividends. |
|--|---|---|-----------------|---|
| Bank stock, par value \$1,143,850, | - | - | - | 91,305 50 |
| Bonus on bank stock, | - | - | - | 46,818 45 |
| | | | | <hr/> 138,123 95 |
| Dividends: | | | | |
| From canal and navigation companies, | - | - | 13,350 00 | |
| From railroad companies, | - | - | 24,264 00 | |
| Turnpike companies, | - | - | 3,987 43 | |
| | | | <hr/> 41,601 43 | |
| Old James river stock, | - | - | - | 8,520 00 |
| Interest on dividend bonds, | - | - | - | 8,459 00 |
| Interest on bonds guaranteed by state, | - | - | - | 540 00 |
| Estimated increase by second auditor, | - | - | - | 33,606 00 |
| Interest on state scrip held by board, | - | - | - | 21,489 74 |
| | | | | <hr/> 252,331 12 |
| Of salaries, surveys, engineers, &c. | - | - | - | 57,847 96 |
| | | | | <hr/> 194,483 16 |
| Interest from James river and Kanawha company on bonds loaned to co. | - | - | - | 95,760 00 |
| | | | | <hr/> 290,243 16 |
| Resources of second auditor's office, | - | - | - | 328,302 72 |
| Add resources auditor's office, | - | - | - | |
| | | | | <hr/> 618,545 88 |
| Capitation tax, | - | - | - | 35,000 00 |
| Revenue from free negroes, | - | - | - | 10,000 00 |
| | | | | <hr/> 663,545 88 |
| Resources of state and Board of public works for 1853, | - | - | - | 663,545 88 |
| " " " " " for 1854, | - | - | - | |
| | | | | <hr/> 1,327,091 76 |
| Receipts for two years, | - | - | - | 4,048,766 47 |
| Disbursements for two years, | - | - | - | |
| | | | | <hr/> To be raised in two years from license tax and property tax, <u>\$ 2,721 674 71</u> |

Estimate of the Probable Disbursements from the Treasury for the Fiscal Year terminating on 30th September 1852.

| | |
|--|------------------------|
| General assembly, - - - - - | 180,000 00 |
| Officers of government, - - - - - | 95,000 00 |
| Comparing polls of congress and general assembly, - - - - - | 1,200 00 |
| Criminal charges, jailors, guards, witnesses, &c. - - - - - | 43,700 00 |
| Slaves executed and transported, - - - - - | 12,000 00 |
| Penitentiary: | |
| House expenses, convicts, &c. - - - - - | 4,000 00 |
| Officers' salaries, - - - - - | 7,500 00 |
| Criminal charges, conveying, &c. - - - - - | 8,000 00 |
| | 19,500 00 |
| Contingent expenses of courts, attorneys, sheriffs and clerks, - - - - - | 31,000 00 |
| Printing for court of appeals, - - - - - | 4,500 00 |
| | 35,500 00 |
| Pay adjutant general, adjutants, &c. - - - - - | 19,000 00 |
| Mounting cannon, visitors to institute, &c. - - - - - | 3,000 00 |
| Support school at Lexington, - - - - - | 7,710 00 |
| Balance appropriation for building, - - - - - | 5,000 00 |
| Expense of public guard, - - - - - | 22,000 00 |
| Manufactory of arms, water rents, &c. - - - - - | 1,250 00 |
| Repairs to armory, - - - - - | 500 00 |
| Repairs of arms, - - - - - | 4,500 00 |
| | 64,990 00 |
| Support of Western lunatic asylum, - - - - - | 42,000 00 |
| Support of Eastern lunatic asylum, - - - - - | 32,000 00 |
| Supporting lunatics in jails, - - - - - | 1,500 00 |
| Institution for deaf, dumb and of the blind at Staunton, - - - - - | 15,000 00 |
| Contingent fund, - - - - - | 30,000 00 |
| | 572,390 00 |
| Pensioners, - - - - - | 200 00 |
| Civil prosecutions, - - - - - | 500 00 |
| Printing reports court of appeals, - - - - - | 3,500 00 |
| Vaccine agent Richmond, - - - - - | 500 00 |
| International exchanges, - - - - - | 250 00 |
| Public warehouses, - - - - - | 350 00 |
| | 5,300 00 |
| Commissioners assessing free negroes, - - - - - | 180 00 |
| Transportation of free negroes, - - - - - | 5,000 00 |
| | 5,180 00 |
| Transportation of arms, - - - - - | 250 00 |
| Virginia volunteers, - - - - - | 900 00 |
| Erection of monument on square, - - - - - | 25,000 00 |
| Expenses of commissioners of revenue, - - - - - | 40,000 00 |
| | 648,320 00 |
| Interest on debt not demanded, due 1st October 1851, - - - - - | 24,881 43 |
| Interest paid by second auditor before 1st October 1851, from the permanent fund, and not revenue, - - - - - | 80,305 38 |
| Probable temporary loan, - - - - - | 350,000 00 |
| Seven per cent. sinking fund on \$ 16,404,303 15, - - - - - | 1,148,301 23 |
| Interest on state debt belonging to Literary fund and Board public works, - - - - - | 90,668 63 |
| | <u>\$ 2,342,476 63</u> |

These estimates may be adopted as the basis of the calculation for the year to close on 30th September 1854—rejecting from the computation the appropriation on account of

| | | | | | |
|--|---|---|---|--------------|--------|
| The expenses of the general assembly, | - | - | - | 180,000 | 00 |
| Interest on debt not demanded October 1851, | - | - | - | 24,881 | 43 |
| Interest paid by second auditor before 1st October 1851, | - | - | - | 80,305 | 36 |
| Probable temporary loan, | - | - | - | 350,000 | 00 |
| | | | | | <hr/> |
| Total deduction, | - | - | - | 635 | 186 79 |
| From estimates 1853, | - | - | - | 2,341.976 | 63 |
| | | | | | <hr/> |
| Estimates for 1854, | - | - | - | \$ 1 706.7 | 9 84 |
| | | | | | <hr/> |
| Estimates for two years, | - | - | - | \$ 4,048,766 | 47 |
| | | | | | <hr/> |

These estimates must be enlarged by any appropriation made by the general assembly at this session, and by any sum which may be demanded on account of interest to be paid on bonds of corporations guaranteed by the state, and by any sum to be prepaid to joint stock companies organized after 20th March 1852.

[DOC. No. LIX.]

REPORT

OF

THE JOINT COMMITTEE

APPOINTED TO

EXAMINE THE ARMORY.

1852.

REPORT.

The joint committee appointed to examine the armory have performed that duty, and beg leave to report that they have made inspection of the ordnance, arms and accoutrements of various kinds on hand—having the boxes containing muskets, &c. opened, and examined—such as have been longest on hand, (say from 1844 to 1846,) without being overhauled; and the committee are satisfied that the entire stock on hand, (with the exception of the arms recently returned for repair,) is in the most perfect condition for service. The small force of artificers seems to be laboriously engaged in cleaning and repairing the returned arms; and the committee believe they will be enabled to prevent an inconvenient accumulation of unrepaired stock.

The condition of the buildings has not materially changed since the last report. The floors and plastering in many parts seem to be in a course of rapid decay, and the day is not distant when it will be necessary to renew them. Some repairs will be necessary and indispensable for the protection and preservation of the buildings and public property during the present year. The outside doors and shutters and the window frames are so decayed that they are not a safe protection to the property. The timbers upon which the iron cannon are arranged are rotten and giving way to the weight of the guns, and the wooden enclosures around the armory are somewhat dilapidated and require repairs. Your committee therefore recommend an appropriation of \$600 for the purpose of making the above-named repairs. Your committee also recommend that the issue of ordnance be restricted to iron guns, and of small arms, to such as have been repaired; and the prohibition of brass guns, except in case of public emergency. They also beg leave to report that the discipline and management at the establishment were entirely satisfactory to the committee.

[DOC. No. LX.]

REPORT

OF

THE COMMITTEE

ON

EXECUTIVE EXPENDITURES.

1852.

REPORT.

The joint committee on the part of the senate and of the house of delegates on executive expenditures for the past fiscal year beg leave to submit the following report :

They have carefully examined the various items of expenditure authorized by the executive department, and find therefor satisfactory vouchers.

| | |
|--|---------------------|
| The whole amount of expenditures, including many items of expenditure on account of the late convention, | 23,593 80 |
| Amount of annual appropriation to civil contingent fund, | 10,000 00 |
| Excess of expenditures, - - - | <u>\$ 13,593 80</u> |

Annexed is a statement containing the items of expenditure, with a brief explanation of the nature and extent of the claims paid.

ARCH. STUART,
Chairman of the Senate Committee.

WM. B. POWER,
Chairman of the House Committee.

LIST OF WARRANTS

Drawn by order of the Executive on the Civil Contingent Fund during the year ending the 30th of September 1851.

1850.

| | | |
|---------|---|--------|
| Oct. 1, | Wt. to F. W. R. Danforth, for contingent expenses of the executive, | 11 06 |
| | B. Chamberlayne, for one month's pay as assistant clerk in this office, to prepare lists of delinquent lands, | 70 00 |
| | Morris & Brother, for stationery for the executive, | 9 12 |
| | Richmond post office, for postage due from the executive, | 90 29 |
| | J. B. Bragg, for meal for horses used on the capitol square, | 55 00 |
| | James Layne, for stands for office of the superintendent of weights and measures, | 20 75 |
| | Nash & Woodhouse, for stationery for the register's office and executive, | 204 90 |
| | R. Whitfield & Son, for plank for the governor's stable, | 18 19 |
| | Cook & Roper, for putting up a gate near the bellhouse, | 22 00 |
| | Cook & Goode, for gates for capitol square, | 36 00 |
| 2, | F. W. R. Danforth, for contingent expenses of the executive, | 3 54 |
| | Same, for postage due from auditor and executive to Richmond post office, | 129 17 |
| | Mordecai Carnell, agent, for hauling dirt on governor's hill, | 71 25 |
| | G. D. Decker, for lightning conductors for state courthouse, | 45 00 |
| | A. Poindexter, for work on governor's house, | 19 50 |
| | B. Chamberlayne, for services in this office in preparing lists of delinquent lands, | 70 00 |
| | Jacob Crafts, for quarter's allowance for attendance on library room, | 13 25 |
| 3, | G. M. West & Brother, for stationery for the executive, | 22 15 |
| 4, | William Booth, for black cambric for capitol, | 23 25 |
| | G. & A. Bargamin, jr., for work on square and at governor's house, | 13 50 |
| 7, | Lynchburg Virginian, for publishing governor's proclamation for election of delegates to the convention, | 12 75 |
| 8, | Richmond Republican, for ditto, | 25 00 |
| 9, | R. R. Duval, for fluid for lamps for square, | 28 48 |
| | Jacob Crafts, for quarter's allowance for lighting lamps on the square, | 18 75 |
| | Richard Matthews, for attending furnace in second auditor's office, | 5 67 |
| 10, | Thomas Williams, for plank for repairing the governor's house, | 21 50 |
| | N. W. Walton, for work in second auditor's office, | 8 00 |
| | Washington Union, for executive subscription to that paper, | 10 00 |
| | Edward C. Bruce, for advertising in the Winchester Virginian the governor's proclamation for the election of delegates to the convention, | 16 50 |
| 12, | Charles D. Yale, for water closets, &c. for state courthouse, | 32 80 |
| | Saml. Alburts, for publication of the governor's proclamation for the election of delegates to state convention, | 13 75 |
| 14, | Charles Dimmock, for quarter's salary as superintendent of public buildings, | 125 00 |
| 15, | Hugh Longest, for work done at governor's house, | 5 00 |
| 16, | Samuel G. Daniel, for publishing in the Democratic Recorder governor's proclamation for the election of delegates to the convention, | 12 38 |
| 17, | Hugh Longest, for work at the governor's house, | 30 50 |
| 18, | B. Dolbeare, editor, for publishing the governor's proclamation for the election of delegates to the convention, | 10 50 |
| | F. M. Parish, for plank for governor's house, | 20 54 |
| | Samuel Laird, for work in rear of the law building, | 317 75 |
| 19, | Richardson & Co., for cloth for the house of delegates and treasurer's office, | 59 25 |
| 22, | P. H. Hoy, for services for watching the public square for four months, | 80 00 |

1850.

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| Oct. 22, | Wt. to Samuel Gillock, for publishing in the Valley Star the governor's proclamation for the election of delegates to the convention, | 18 00 |
| | B. M. Dewitt, for services in distributing the acts of assembly, &c. | 125 00 |
| 23, | William H. Richardson, for seals for Gilmer and Wirt counties, | 10 00 |
| 25, | Jno. Ford, for bringing slave from Fauquier county to the penitentiary, | 30 00 |
| | William W. Ashworth and another, for arresting and conveying to the jail of Franklin county P. P. Jones, a fugitive, | 31 55 |
| 26, | Miffleton & Ready, for keys for water closets, &c. | 3 63 |
| | Spirit of Jefferson, for publishing the governor's proclamation for election of delegates to the convention, | 18 00 |
| 28, | H. B. Ford, for bringing slave Ned from Prince Edward to the penitentiary, | 22 63 |
| | J. T. Sublett & Brother, for cord for capitol flag staff, | 5 56 |
| 29, | Benjamin Jones, for putting up coal, | 21 42 |
| 30, | Richmond Whig, for subscription, &c. | 107 50 |
| | John Warrock, for journals of the senate, &c. | 20 70 |
| | J. W. Randolph & Co., for stationery for the executive, | 66 16 |
| 31, | James Alexander, for advertising governor's proclamation, | 19 00 |
| | W. S. & G. Donnan, for hardware for governor's house, | 7 57 |
| Nov. 1, | Levi Johnson, for amount paid to V. R. Ball for bringing Code from Lewis to Gilmer, | 6 00 |
| 2, | Glass & Woodson, for subscription to the Lynchburg Republican, and advertising the governor's proclamation for the election of delegates to the convention, | 21 00 |
| | Ro. H. B. Crabb and another, D. S. and guard, for bringing a slave from Westmoreland to the penitentiary, | 46 77 |
| | Southern Argus office, for publishing the governor's proclamation for the election of delegates to the convention, | 21 25 |
| 4, | Doggett & Anderson, for craps for the legislative hall, | 5 45 |
| 5, | F. W. Danforth, postage for executive and first auditor's office, | 207 22 |
| | S. N. Chipley and guard, for going to and returning from Annapolis with a fugitive, | 41 17 |
| | Samuel Laird, for 165 perches of stone wall in rear of governor's house, | 816 75 |
| 12, | F. W. Danforth, amount of R. Staples' claim for ice, | 86 62 |
| 14, | T. Ritchie, for advertising in the Union, for the Va. land office, | 7 00 |
| 15, | J. J. Mahone, for painting at the governor's house, | 31 20 |
| 16, | S. D. Whittle, for stationery furnished for the state convention by Walter D. Blair, | 195 02 |
| | William C. Carrington, for executive subscription to the Richmond Times one year, | 5 00 |
| | E. C. Loman, for work at the governor's house, | 77 75 |
| 19, | Samuel Laird, for stone work back of the law building, | 396 00 |
| 20, | Hugh Bowen, for freight, &c. on Code of Va. | 3 55 |
| 22, | Van Lew, Smith & Roberts, for rakes, &c. for the square, | 13 38 |
| | Staunton Spectator, for publishing governor's proclamation, | 15 00 |
| 25, | Wytheville Republican, for publishing governor's proclamation, | 35 00 |
| | Wm. H. Richardson, amount paid for freight, transportation, &c. on Mayo's Guide, | 62 07 |
| 26, | F. Regnault, for carpeting for legislative halls, | 349 75 |
| 27, | James Evans, for spittoons for the capitol, and sundry articles for the governor's office, | 10 75 |
| | Christopher Johnson, for glass for the governor's house, | 2 88 |
| | Jno. W. Finks, for publishing in the Flag of '96, governor's proclamation for the election of delegates to the convention, | 20 00 |
| 30, | Jno. W. Hill, for setting grate backs in the capitol, | 10 50 |
| Dec. 2, | Enquirer office, for publishing bank statements, | 24 12 |
| | Parkersburg Gazette, for publishing the governor's proclamation for the election of delegates to the convention, | 19 25 |
| 3, | Richmond Examiner, for advertising by direction of the executive, | 28 93 |
| 4, | Richmond Whig, for publishing proposals for rations and clothing for the public guard, | 12 25 |

1850.

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| Dec. 4, | Wt. to F. W. R. Danforth, for transportation of weights and measures, | 16 37 |
| | Thomas Lewis, for transportation of Code, | 1 73 |
| 5, | F. B. Ford, for bringing slave Bob to the penitentiary, | 18 75 |
| | Wm. F. Ritchie, for extra printing, and for binding and printing journals and documents of the house of delegates, | 692 37 |
| | Rice & Harding, for removing dirt from capitol square, | 11 25 |
| 6, | W. S. Hough, for inserting in the Loudoun Chronicle the governor's proclamation for the election of delegates to the convention, | 15 00 |
| | Kanawha Republican, for ditto, | 18 00 |
| | Lewis Rigger, for brooms, | 2 50 |
| 10, | Post office, for the executive postage, | 90 46 |
| | D. B. Layne, for distributing Code of Virginia, | 152 10 |
| 13, | Wm. Cackley, for ditto, and Mayo's Guide, | 335 55 |
| 14, | R. Beach, for bringing slave from Spotsylvania county to the penitentiary, | 20 67 |
| 16, | Samuel Laird, for removing dirt from back of the law building, | 53 75 |
| 18, | S. D. Deneon, for grates for governor's office, | 20 00 |
| 19, | Samuel Laird, for building stone wall, | 536 35 |
| 23, | C. Gurt, for flower pots for the state greenhouse, | 5 50 |
| | S. D. Whittle, secretary to the convention, | 150 00 |
| 24, | John W. Hill, for putting grate in the capitol, and for culvert at gunhouse, | 72 50 |
| | Mordecai Connel, for work on the capitol square, | 8 25 |
| | Marion Howard, pay as extra clerk in executive department, | 58 33 |
| | William H. Richardson, for claim of Franklin Peals, for gold, silver and bronze medals for General Scott, | 581 10 |
| | William H. Richardson, state librarian, out of appropriation for international exchanges, | 250 00 |
| | James Yarrington, for preparing tables, &c. in treas'r's office, | 3 12 |
| | Banks Wade, for lightwood for capitol and house of delegates, | 28 50 |
| | Coale & Barr, for publishing governor's proclamation for the election of delegates to the convention, | 37 50 |
| | William Forbes, for work at the governor's house and capitol, | 79 65 |
| 27, | F. W. R. Danforth, for sundry expenses of the executive, | 6 84 |
| 28, | "Fredericksburg News Office," for publishing the governor's proclamation, | 17 54 |
| 31, | L. H. Schlesinger, for metallic pens for the register and treasurer, | 3 75 |
| | Hilary Mosby, for putting away coal in the state courthouse, | 2 66 |

1851.

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| Jan. 1, | John Williams, for coal for capitol and state courthouse, | 178 50 |
| 2, | James Yarrington, for making a case for books, &c. auditor's office, | 5 00 |
| 3 | Miffleton & Ready, for repairing locks and putting up bells for house of delegates and senate chamber, | 25 43 |
| | Adams & Co.'s Express, for freight on boxes for the executive, | 10 00 |
| | W. A. Irving, for quarter's allowance for state library, &c. | 13 31 |
| | Richard Matthews, for washing towels and furnishing soap for first and second auditors' offices, | 4 50 |
| | J. W. Randolph, for stationery for the executive and auditor's office, | 42 03 |
| | W. H. Richardson, for the expenses of the executive, | 9 51 |
| | Jacob Crafts, for lighting lamps on the square, | 18 75 |
| 6, | Jacob Smith, for advertising in the "Wellsburg Herald" the governor's proclamation for the election of delegates to the convention, | 11 25 |
| 7, | John H. Wartman & Bro., for advertising in the "Rockingham Register" the governor's proclamation for the election of delegates to the convention, | 18 00 |
| | Richmond post office, for the executive and auditor's postage, | 71 78 |
| | John D. Christian, for extra services rendered in the second auditor's office, | 110 00 |
| 9, | R. R. Duval, for fluid for lamps on the capitol square, | 30 11 |
| | John T. Points, for preparing tabular statements for the convention, | 250 00 |

1851.

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| Jan. 10, | Wt. to William Harris, for repairing a fire-place in the governor's house, | 2 50 |
| | Morris & Bro., for stationery for the executive and auditor's office, | 21 77 |
| | James & Layne, for publishing in the Valley Whig governor's proclamation for the election of delegates to the convention, | 18 00 |
| 13, | W. S. & G. Donnan, for spades to be used on the square, | 7 00 |
| | William Palmer, for grass seed for governor's yard, | 3 50 |
| 14, | Thomas B. Hamlett, reward for the apprehension of Jno. M. Clopton, offered by the executive, | 100 00 |
| | Hubbard, Gardner & Carlton, for paper for the executive, | 16 50 |
| | Jno. P. Byrne, for charges on boxes containing Code of Virginia, | 2 79 |
| 16, | Samuel Laird, for distributing Code and Mayo's Guide in district No. 3, | 260 00 |
| | C. Dimmock, superintendent, quarter's allowance for contingent expenses, | 125 00 |
| 17, | Jno. W. Syme, for publishing the governor's proclamation in the Petersburg Intelligencer for the election of delegates to the convention, | 18 00 |
| 20, | Winchester Republican, for ditto, | 18 00 |
| 21, | Samuel C. Williams, for freight on box containing New Code, | 1 13 |
| 22, | Nash & Woodhouse, for stationery for the land office, | 143 38 |
| 23, | Parkers & Brown, for freight on Mayo's Guide, | 1 50 |
| | Sampson & Pae, for use of crabb, | 10 00 |
| 24, | P. & J. Owen, for advertising in the Western Sentinel the governor's proclamation for the election of delegates to the convention, | 10 00 |
| 25, | E. Barny and another, work on wall adjoining law building, | 19 00 |
| | Morris Roach, for work on bank and wall, | 8 00 |
| | Jordan Wordrum, for publishing in the Fincastle Democrat the governor's proclamation for the election of delegates to the convention, | 18 00 |
| 27, | J. W. Randolph, for stationery for the treasury, | 44 29 |
| | George Harper, for publishing in the Harrisburg Republican the governor's proclamation for the election of delegates to the convention, | 21 00 |
| Feb. 1, | William H. Pleasants, allowance for preparing statements for the convention, | 162 50 |
| | Byrd Chamberlayne, for ditto, | 252 50 |
| 3, | J. S. Gilliam and two guards, for expenses in bringing back a fugitive from Kentucky, | 363 00 |
| | Dr. J. M. Johnson and two guards, to bring back fugitive from Kentucky, | 245 80 |
| 5, | Richmond post office, for executive and auditor's postage, | 70 42 |
| | William M. Burwell, chairman, for expenses of a committee appointed to deliver a medal to Gen. Scott, | 229 52 |
| | Richmond Examiner, for advertising bank statements, and for executive subscription, | 26 25 |
| | Richard Matthews, for making fires in committee room, | 13 25 |
| 6, | N. A. Thompson, for services in 1st auditor's office, to prepare statements for the convention, | 40 00 |
| 7, | Richard Beach, to pay his expenses in bringing convict slaves from Mecklenburg, | 25 00 |
| 10, | J. S. Jones & Co., for work done at the governor's house, | 18 34 |
| | J. F. Breckenridge, for work done at ditto, | 16 55 |
| | P. A. H. D'Escayrac, for locks, &c. ditto, | 2 50 |
| | Hubbard, Gardner & Co., for letter paper for the executive, | 14 00 |
| | Charles D. Yale, for sundries for governor's house, | 26 84 |
| 11, | James M. Baker, for services as extra clerk in the auditor's office in examining the returns of the commissioners, | 10 00 |
| | City of Richmond, for water rent for the capitol and state courthouse, | 62 00 |
| | James A. Goddin, for services in preparing statements for the convention, | 227 50 |
| 12, | Hedrick & Chambers, for publishing in the Valley Democrat the governor's proclamation for the election of delegates to the convention, | 14 80 |

1851.

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| Feb. 12, | Wt. to Jno. F. Latham, for services in preparing tables, &c. for the convention, | 112 50 |
| | Stebbins, Darracott & Co., for articles furnished the 1st auditor's office, | 1 25 |
| | Richmond Whig, for advertising, | 31 99 |
| 13, | James Lane, for repairs, &c. to governor's house, | 133 15 |
| | Miller & Porterfield, for advertising the governor's proclamation in the Martinsburg Gazette. | 16 50 |
| 14, | James Davis, for coal furnished capitol and state courthouse, | 199 50 |
| | Richard Beach and another, for bringing transports from Mecklenburg, | 86 15 |
| 15, | Alexander McRae and another, for preparing tables for the state convention, | 272 50 |
| 17, | John B. Butler, for services in the treasurer's office as extra clerk, | 112 50 |
| 18, | John Q. Winn, for services as temporary clerk in 1st auditor's office, | 27 50 |
| 20, | J. D. Morris, clerk Marshall, for freight on Guide, | 4 63 |
| | J. A. Belvin, for repairs to governor's furniture, | 12 50 |
| 24, | John Williams, for alabs for armory, | 1 62 |
| 25, | Miller & Porterfield, for publishing governor's proclamation for the election of delegates to the convention, | 16 50 |
| 26, | P. H. Taylor, for tuning and repairing a piano at the governor's house, | 3 50 |
| | Adams & Co., for freight, as per executive order, | 12 26 |
| 27, | F. M. Lawson, for services in 1st auditor's office in adding assessor's books, &c. | 51 87 |
| Mar. 1, | Times office, for publication of bank statements, and notice to commandants of regiments, | 9 25 |
| 3, | B. Chamberlayne, for arranging pay rolls in the war of 1812, | 75 00 |
| | Thomas Vannerson, for ditto, | 75 00 |
| | Robert Pickett, for coal for state courthouse, | 68 00 |
| | Mary Nelson, for amount due her under the act of 12th of January 1850, | 228 84 |
| | Thomas Flint, for expenses of bringing slave to the penitentiary, | 27 84 |
| 8, | J. B. Glazebrook, for work in the office of weights and measures, | 8 00 |
| | John G. Mosby, for preparing statements for the convention, | 22 50 |
| 10, | James Yarrington, for carpenter's work on the capitol and governor's house, | 8 25 |
| 11, | E. Snowden, for advertising the governor's proclamation in the Alexandria Gazette, | 23 75 |
| 12, | Richmond post office, for the executive and auditor's postage, | 53 66 |
| | M. Hassan, for cutting stone coping, | 18 00 |
| | Hilary Mosby, for putting up coal at the state courthouse, | 1 33 |
| 18, | Harry Johnson, for blacksmithing, | 6 12 |
| 20, | John Fisher, for charcoal for the capitol, | 63 20 |
| | B. M. Dewitt, for distributing Mayo's Guide, | 127 43 |
| 21, | William Harper, for publishing governor's proclamation in the Southern Branch Intelligencer, | 14 37 |
| 22, | Byrd Chamberlayne, for arranging pay rolls of the war of 1812, | 75 00 |
| | W. R. Walsh, for glazing in the capitol, | 1 00 |
| 25, | W. C. Brazeal, for wood for the capitol, | 2 00 |
| 26, | B. & S. Jones, for rations furnished Indians, | 6 12 |
| 28, | Thomas Vannerson, for making extracts of lists of officers and soldiers of the war of 1812, | 75 00 |
| 29, | George Fitzgerald, for preparing statements for the convention in auditor's office, | 62 50 |
| | F. Regnault, for furnishing carpeting for the hall of the house of delegates, | 42 00 |
| | John A. Eacho, for bringing a slave to the penitentiary, | 14 42 |
| | Banks Wade, for lightwood for the capitol, | 45 00 |
| | Edgar Irving, agent for A. Vattermare, for expenses of international exchanges, | 21 50 |
| 31, | F. W. R. Danforth, for contingent expenses of the executive, | 2 75 |
| | Thomas A. Rust, for a wood saw for the capitol, | 1 25 |
| | Marion Howard, for services as extra clerk executive department, | 183 33 |

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| 1851. | | | |
| Mar. 31, | Wt. to Clerk of Monroe county, for expenses on a box containing Codes of Virginia, | 3 00 | |
| April 1, | Hableston & Brother, for arm chair for sergeant at arms to the house of delegates, | 8 00 | |
| 4, | James D. Christian, for services in 2d auditor's office, | 225 00 | |
| | Vincent Bargamin, for services as extra clerk in 1st auditor's office, | 464 00 | |
| | Thomas B. Harrison, for services in preparing statements for the convention, | 380 00 | |
| | William A. Irving, for sweeping and making fires in the state library, | 13 12 | |
| 5, | Richard Matthews, for washing towels, &c. for first auditor's office, | 1 50 | |
| | Jacob Crafts, for lighting lamps on the capitol square, | 18 75 | |
| | Jacob Crafts, for brushes to sweep parts of the capitol, | 5 25 | |
| | B. M. Morris, for wood furnished, | 8 00 | |
| | Peyton Johnston, for glass furnished soldiers' quarters and capitol, | 6 32 | |
| | Samuel Freeman, for work at governor's house and public square, | 32 00 | |
| | John Bennett, for putting away coal at the capitol, | 1 60 | |
| 7, | Hudson B. Ford, for going to Page county and returning with order for Jenny, a slave, sentenced to transportation, | 35 90 | |
| | Charles Dimmock, for repairs for armory buildings, &c. | 52 81 | |
| | R. Archer & Co., for repairing fire-place at the armory, | 3 37 | |
| | J. Q. Winn, for services rendered in the 2d auditor's office, | 23 75 | |
| 8, | Richmond post office, for the executive and auditor's postage, | 39 14 | |
| 9, | R. R. Duval, for glass for the armory and capitol, | 10 84 | |
| 11, | P. M. Martin, for carriage on Code of 1849, and Mayo's Guide, | 2 35 | |
| 17, | R. Whitfield & Son, for timber furnished to the armory, | 48 26 | |
| 18, | Mayo Hassan, for curbstone work done in front of the governor's door, | 55 88 | |
| 19, | N. B. Seabrook, for preparing tables, &c. for the convention, | 130 00 | |
| | J. T. Breckenridge, for work at the bellhouse and armory, | 187 55 | |
| 21, | B. Chamberlayne, for arranging and copying the pay rolls of the war of 1812, | 75 00 | |
| 22, | J. W. Randolph, for a thermometer for the house of delegates, | 3 50 | |
| 24, | H. B. Ford, for bringing a transport slave from Fluvanna county to the penitentiary, | 16 80 | |
| 25, | James L. Sizer, for going and returning from Louisa for a convict slave, | 10 80 | |
| | Thomas Vannerson, for making extracts from the pay rolls of the war of 1812, | 75 00 | |
| 26, | G. & A. Bargamin, jr. for work done at the armory, governor's house, capitol square, and bellhouse, | 73 50 | |
| 28, | Robert Pickett, for coal for the state courthouse and executive, | 81 00 | |
| May 1, | M. Howard, for services in copying pay rolls of the war of 1812, | 75 00 | |
| 2, | John T. Rogers, for a stone prepared for the national Washington monument, | 450 00 | |
| | Elliott & Nye, for printing 500 circulars for the local committee of the world's fair, | 12 00 | |
| | John A. Eacho, for bringing a slave from Augusta county to the penitentiary, | 30 00 | |
| | Banks Wade, for lightwood for the capitol, | 4 50 | |
| 6, | Thomas Williams, timber furnished armory for a gunhouse, | 4 12 | |
| | Williams & Brother, for 500 feet of hose, | 255 50 | |
| 7, | Gideon & Co., for the Washington City Republic sent to the governor of Virginia, | 10 00 | |
| | J. T. Sizer, for hauling posts, &c. | 50 | |
| 10, | J. L. Sizer, for bringing slave from Hanover county to the penitentiary, | 13 00 | |
| | Cook & Roper, for repairing gate at the capitol square, | 16 37 | |
| 12, | Richmond post office, for executive and auditor's postage, | 72 96 | |
| | Charles D. Yale, for repairing water closets, stoves, &c. for courthouse, library and capitol, | 58 63 | |
| 13, | B. W. Knowles, for envelopes for this office, | 5 35 | |
| 14, | R. H. Whitlock, for building materials for governor's house, | 14 75 | |

| | | | |
|---------|--------|--|--------|
| 1851. | | | |
| May 14, | Wt. to | T. B. Harrison, for services in auditor's office, | 57 50 |
| 15, | | Richmond city gas works, for gas consumed on capital square, | 28 80 |
| 16, | | A. D. Abernathy, for plants furnished capital square, | 39 75 |
| 17, | | Richmond Examiner, for publishing bank statements, | 30 00 |
| 22, | | T. M. Parish, for repairs to buildings at the armory, | 5 78 |
| 29, | | B. Chamberlayne, for preparing pay rolls of the war of 1812, | 75 00 |
| | | H. G. Dayton, for work done at the capitol, governor's house and armory, | 288 15 |
| | | Thomas Vannerson, for preparing extracts from pay rolls of the war of 1812, | 75 00 |
| 31, | | William Ready, for repairing locks to the governor's house and house of delegates, | 23 51 |
| | | Gales & Seaton, executive subscription to the National Intelligencer, | 10 00 |
| | | William Kelley, for reward by the executive for the arrest of Hezekiah Digges, | 100 00 |
| | | W. D. Blair, for candles furnished on account of the superintendent of public edifices, | 31 14 |
| June 4, | | James Davis, for coal furnished the capitol, | 19 50 |
| 6, | | M. Carnel, agent, for works with carts on capitol square, | 57 00 |
| | | James Layne, for work done on the capitol square and at the governor's house, | 7 75 |
| | | Richmond post office, for executive and auditor's postage, | 105 87 |
| | | Same, for postage on commissioners' blanks, | 854 90 |
| | | James A. Cowardin, for advertising weights and measures in the Daily Dispatch, | 17 87 |
| | | F. Regnault, for matting, &c. for the convention, | 136 88 |
| 7, | | John Morton, for listing trees on the capitol square, | 4 75 |
| 12, | | C. Dimmock, for quarter's salary as superintendent of public buildings, | 125 00 |
| 13, | | E. O. Feiny, for transportation of books to Northampton courthouse, | 11 00 |
| | | James L. Sizer, for going to Roanoke to bring a slave to the penitentiary, | 36 00 |
| 14, | | William H. Richardson, for W. Wagoner, for engraving nine seals, | 45 00 |
| 18, | | New York Journal of Commerce, for executive subscription, | 19 00 |
| 19, | | Enquirer office, for publishing bank statements, | 26 12 |
| 21, | | B. Chamberlayne, for preparing pay rolls of the war of 1812, | 75 00 |
| | | James L. Sizer, for bringing a slave to the penitentiary from Fredericksburg, | 13 87 |
| | | M. Howard, for copying pay rolls of militia in the war of 1812, | 75 00 |
| | | Richmond Times, for publication of notice of weights and measures, | 25 00 |
| 23, | | William Hutchinson, for distributing laws in district No. 3, | 120 00 |
| 24, | | John Ford, in advance, for distributing laws in district No. 2, | 100 00 |
| | | City of Richmond, for water at the capitol and repairs to the bellhouse, | 50 10 |
| | | John A. Eacho, in advance, for distributing laws in district No. 1, | 70 00 |
| 26, | | Landon B. Chambers, for ditto No. 4, | 120 00 |
| | | Hudson B. Ford, for ditto No. 5, | 60 00 |
| 27, | | William Cackley, in advance, for distributing laws, | 120 00 |
| July 1, | | Thomas Lawson, for sundry expenses paid in the office of weights and measures, | 6 50 |
| | | Charles Dimmock, for quarter's salary as superintendent of public buildings, | 125 00 |
| | | F. W. R. Danforth, for tape, &c. &c. furnished the executive, | 5 02 |
| | | Thomas Vannerson, for services in making extract of names of persons in the war of 1812, | 75 00 |
| 2, | | Richard Matthews, for washing towels for auditor's office, | 2 25 |
| | | J. W. Randolph, for stationery for the executive, auditor's and treasurer's offices, | 108 02 |
| | | I. A. Goddin, for work to circuit court rooms, | 53 50 |
| | | Cook & Roper, for iron work done at the capitol, | 59 25 |
| 3, | | Jacob Crafts, for attendance on state library and gas lights, | 31 25 |
| | | C. D. Yale, for cooking range and work done at the governor's house, | 142 23 |
| | | Samuel Freeman, for work done on the square, capitol, &c. | 221 00 |

| | | | |
|---|---|--------|---------------------|
| 1851. | | | |
| July 3, | Wt. to J. C. Maynard, for services in the land office, | - | 172 00 |
| 7, | Lexington Gazette, for publishing the governor's proclamation, | - | 19 00 |
| | Richmond post office, for executive and auditor's postage, | - | 204 27 |
| | Marion Howard, for services in preparing and arranging extracts of the pay rolls of the militia in the war of 1812, | - | 75 00 |
| 8, | Joseph Mosby, for work of carts hauling on the square, | - | 93 00 |
| | C. H. Powell, for repairs to the treasurer's and second auditor's offices, | - | 74 30 |
| | Richmond Examiner, for advertising for the executive, | - | 26 37 |
| 9, | Morris & Bro., for stationery for this office, | - | 34 76 |
| | J. L. Bray, for shovel, tongs and poker for the treasurer's office, | - | 3 50 |
| 10, | J. Q. Winn, for furnishing soap, &c. for the treasury one year to 1st July 1851, | - | 6 00 |
| | Vincent Bargamin, for services as extra clerk in 1st auditor's office, | - | 239 48 |
| 11, | Richmond city gas works, for gas furnished the capitol square, | - | 251 73 |
| | W. S. & G. Donnan, for hardware furnished the governor's house and square, | - | 15 82 |
| | James D. Christian, for services in second auditor's office, | - | 55 00 |
| 14, | James L. Sizer, for bringing a slave to the penitentiary from Page county, | - | 42 77 |
| 16, | Geo. M. West & Bro., for stationery for the auditor's office, | - | 5 25 |
| | Nash & Woodhouse, for stationery furnished land office, | - | 145 66 |
| | Wm. P. Yeatman, for work done on the capitol square, | - | 20 50 |
| | Morris & Bro., for stationery furnished the executive, | - | 76 25 |
| | G. M. West & Bro., for stationery furnished the executive, | - | 24 95 |
| Aug. 9, | William H. Richardson, to pay for a sword presented by an act of the general assembly 1849, to F. O. Byrd of Clarke county, | - | 550 00 |
| 13, | L. G. Chambers, for distributing laws in district No. 4, | - | 50 00 |
| | L. G. Chambers, for George Smith, for delivering laws in district No. 4, | - | 100 00 |
| 28, | John Ford, distributing acts of assembly in district No. 2, | - | 159 70 |
| 30, | John A. Eacho, for distributing laws in district No. 3, | - | 114 00 |
| Sept. 2, | Richmond post office, for executive and auditor's postage, | - | 161 85 |
| 20, | William Hutchinson, for distributing laws in district No. 3, | - | 115 76 |
| 29, | Geo. W. Munford, for copies of acts furnished to the executive, | - | 17 50 |
| | | | 23,967 57 |
| Deduct: | | | |
| Warrant on the 23d December 1850, to S. D. Whittle for convention, | | 150 00 | |
| Warrant on the 13th February 1851, to Miller & Porterfield, twice allowed by the executive, and refunded 12th March 1851, | | 16 50 | |
| Warrant on the 4th December 1850, for publishing for the <i>public guard</i> , | | 12 25 | |
| Warrant on the 16th Nov. 1850, for stationery for the <i>convention</i> , assumed by it, | | 195 02 | 373 77 |
| | | | <u>\$ 23,593 80</u> |

RO. JOHNSTON,
First Auditor.

Auditor's Office, March 31, 1852.

•
[Doc. No. 62.]

ADDITIONAL REPORT

OF

THE JOINT COMMITTEE

ON

EXECUTIVE EXPENDITURES.

1852.

ALBERT EINSTEIN

R E P O R T .

The joint committee on executive expenditures, to whom was re-committed the report made upon that subject, do reaffirm their said report, except as to the item of ten thousand dollars entered as the appropriation to the contingent fund. The amount of said appropriation should have been entered as fifteen thousand dollars, which will leave the excess of expenditure over appropriation eight thousand five hundred and ninety-three dollars and eighty cents, instead of thirteen thousand five hundred and ninety-three dollars and eighty cents, as originally reported.

ARCH. STUART,
Chairman Senate Committee.

WM. B. POWER,
Chairman House Committee.

1. The first part of the paper discusses the importance of the study of the history of the world, and the need for a more comprehensive and systematic approach to the study of the world's history. It argues that the study of the world's history is not only a matter of interest, but also a matter of necessity, as it helps us to understand the present and to prepare for the future.

2. The second part of the paper discusses the importance of the study of the history of the world, and the need for a more comprehensive and systematic approach to the study of the world's history. It argues that the study of the world's history is not only a matter of interest, but also a matter of necessity, as it helps us to understand the present and to prepare for the future.

3. The third part of the paper discusses the importance of the study of the history of the world, and the need for a more comprehensive and systematic approach to the study of the world's history. It argues that the study of the world's history is not only a matter of interest, but also a matter of necessity, as it helps us to understand the present and to prepare for the future.

4. The fourth part of the paper discusses the importance of the study of the history of the world, and the need for a more comprehensive and systematic approach to the study of the world's history. It argues that the study of the world's history is not only a matter of interest, but also a matter of necessity, as it helps us to understand the present and to prepare for the future.

5. The fifth part of the paper discusses the importance of the study of the history of the world, and the need for a more comprehensive and systematic approach to the study of the world's history. It argues that the study of the world's history is not only a matter of interest, but also a matter of necessity, as it helps us to understand the present and to prepare for the future.

[DOC. No. LXI.]

PREAMBLE AND RESOLUTIONS

RELATIVE TO THE

DISPOSAL OF THE BONDS OF THE STATE.

1852.

PREAMBLE AND RESOLUTIONS.

The committee of finance having reported to the house of delegates that on the 11th of April 1851, the Board of public works contracted with Selden, Withers & Co., private bankers of the city of Washington, that they might dispose of the bonds of the commonwealth to the amount of one million of dollars at par; and also the further sum of three millions of dollars at two per cent. above par, and might have as a compensation for negotiating the sale such premium as the bonds would command above these terms: and the committee further stating that they do not perceive that any security was exacted of Selden, Withers & Co. for the faithful execution of their part of the contract in accounting for the money which may be received by them as agents of the state:

1. *Resolved*, Inasmuch as chapter 67 of the Code provides that when money is received from the lenders elsewhere than at the public treasury, it shall be so received *only* through one of the banks incorporated by the state; and inasmuch as this provision is not repealed by the act of March 29, 1851, authorizing the issue of coupon bonds, but on the contrary is preserved in full force as to the certificates issued under said act, by that part of it which makes said certificates, when payable elsewhere than at the treasury of the state, subject to such of the provisions of the said 67th chapter as relate to the borrowing of money in Europe, it would not have been lawful for the Board of public works to allow Selden, Withers & Co. to act as agents of the state in receiving money from the lenders, even if they had given security to account for the said money; and the course of the board is still less to be justified if there be no security.

The committee of finance having recommended that all sales hereafter to be effected, not embraced in this contract, shall be effected after reasonable notice and under circumstances of fair and free competition among bidders and capitalists:

2. *Resolved*, That this house approves the said recommendation.

3. *Resolved*, That the committee of finance enquire whether it was justifiable or proper in the Board of public works to deprive the state of what the bonds embraced in said contract would have produced if sold with such notice and after such competition; that they report as near as they can how many thousand dollars the compensation allowed to Selden, Withers & Co. will amount to, and whether the same is not much more than should have been allowed them as a reasonable compensation for the services they were to perform.

The committee of finance having suggested the propriety of enquiring into the practicability of effecting some modification of the contract in certain particulars, to make it more safe and consistent with the interest of the commonwealth :

4. *Resolved*, That the said committee enquire and report to this house what modification of the said contract it is advisable to make, and what course, under all the circumstances, the general assembly should take in regard to it.

[DOC. No. LXII.]

PETITION

CONCERNING THE

LOCATION OF THE DISTRICT COURT

FOR THE

EIGHTEENTH & NINETEENTH CIRCUITS.

1852.

PETITION.

To the General Assembly of Virginia.

Your memorialists respectfully represent to your honorable bodies, that they highly appreciate the improvement made upon our judiciary system by the late convention, in the introduction of district courts as provided by the new constitution, believing as they do that in their practical operation they will greatly facilitate the final disposition of causes as well as cheapen the litigation of the commonwealth. These were the two great desiderata to be obtained in the reorganization of the judiciary system. The practical grievances of which the people most complained were the protracted and expensive character of litigation, which amounted in many instances to almost a denial of justice. This the people considered wholly inconsistent with the spirit of our institutions; and it was to obtain a reorganization of the judiciary, and avoid as far as practicable these evils, that induced many to favor the calling of the late convention. If the district courts shall, to any considerable degree, answer the desirable objects alluded to, they will be welcomed throughout the commonwealth as the instruments of the greatest practical blessings to the citizens. In the location of the district courts much regard should be had to the leading objects above referred to, particularly the accommodation of the largest number of suitors at the least expense. The county of Kanawha is the great manufacturing county of the commonwealth, there being annually manufactured in this county about three millions of bushels of salt, the tolls upon which yield an annual revenue to the James river and Kanawha company of about ten thousand dollars. This large manufacture of salt gives rise to every variety of business and employment, out of which grows an immense amount of varied and complicated litigation. In order to exhibit the large excess of litigation in the county of Kanawha over the other counties in the 18th and 19th judicial circuits, your memorialists herewith furnish a statement of the number of suits commenced, pending and determined, both at law and in chancery, in each of the counties composing the two circuits above mentioned in the year 1850—by which it will appear that there were more suits at law in the county of Kanawha during that year than in all the balance of the counties of the 18th circuit, and almost as many as in all the counties composing the 19th circuit. It will also be found, upon an examination of the returns of the several clerks to the auditor for previous years, that pretty much the same, and in some years even a greater proportion of the litigation of the said circuits has been in the county of Kanawha; and the num-

ber of appeals from Kanawha have been, and will in the nature of things continue to be, pretty nearly in the same proportion. In view of these facts it appears to your memorialists that an enlightened regard for the interests of the largest number of suitors requires the location of the district court for the 18th and 19th judicial circuits in the town of Charleston in the county of Kanawha. Charleston being situated on the Kanawha river, only sixty miles above its mouth, is accessible by steamboat navigation to all the counties in the two circuits lying on the Kanawha and Ohio rivers, the counties on the Ohio being the most remote from Charleston of any in the two circuits; and as to the other counties, Charleston would be as convenient and as easily accessible to as large a number as any other location that could be fixed upon. The accommodations at Charleston are as ample and good as can be found in the district. The courthouse is commodious and comfortable. The law libraries in this place contain about twenty-five hundred volumes, embracing every department and branch of legal science.

All things considered, your memorialists are satisfied that Charleston presents the strongest claims to the court of any location in the district. To the other counties, having comparatively few suits, and consequently few appeals, it is comparatively of little consequence where the court is located; but to the county of Kanawha, with its immense litigation, it is of momentous interest. It may be objected to Charleston as the location of the district court, that it is not in the centre of the district. Geographical centrality, your memorialists humbly conceive, ought not to be the governing principle in the location of the district courts. It will be found impracticable in most instances to locate these courts in the centre of the districts; and moreover, the geographical centre may be very far from the centre of business. In our district, for instance, Kanawha county having nearly half the business of the district, although it may not be in the geographical centre, cannot be far from the centre of the business that will come before the court. Richmond is not in the centre of the eastern district of Virginia, but all concur in the wisdom and propriety of locating the court of appeals in that city. It is apparent that the other district court in the northwest will be located in Wheeling, Fairmont or Clarksburg; and that being the case, all must see the propriety of locating ours in this end of the district. Your memorialists being fully impressed with the belief that justice and fairness require that the district court for this district should be located in Charleston, have felt it incumbent upon them to present their views upon the subject thus briefly to your honorable bodies, and rest with confidence that the legislature will concur with them in opinion, and accord to them their requests, by locating the said court in Charleston.

With much respect, &c.

Andrew Parks,
John James Williams,
Jno. S. & Thos. B. Swann,

Thos. L. Brown,
James M. Laidley,
S. Hannah,

James L. Carr,
J. Read,
C. N. Carr,
Thos. M. Gardner,
Dryden Donnally,
J. H. Fry,
A. Malcolm,
A. Edgar Summers,
W. E. G. Gillison,
James F. Lewis,
A. Whitteker,
R. Aug. Thompson,
Orestes Wilson,
Moses F. Ward,
Wm. W. Kelley,
George P. Dyke,
John Ritchhurt,
E. Baines,
John C. Wilson,
Francis Davis,
J. B. Davol,
• Edward Scott,
Joseph Purkins,
John Hansford,
John P. Anderson,
Robert H. Early,
Wm. A. Quarrier,
C. E. Doddridge,

Geo. W. Summers,
C. Lannum,
W. Kelley,
Edward Kennon,
J. M. Doddridge,
Jas. McFarland,
James H. Brown,
Lewis D. Wilson,
T. C. Watkins,
Stephen Rigg,
James T. Hudson,
A. Wright,
E. W. Newton,
Sam'l Beach,
Wm. Fisher,
John T. Hamilton,
Charles Scott,
F. Hendrick,
Wiley P. Woods,
Abel P. Sinnett,
W. A. McMullin,
Ephraim Spotts,
W. Hedritz,
H. W. Goodwin,
John Welch,
B. F. Hudson,
W. A. Whitteker,
Jas. H. Rogers,

NINTH JUDICIAL DISTRICT.

| SUITS AT LAW. | | | | | CAUSES IN CHANCERY. | | | | | | |
|------------------------|-------|----------------|--------------|--------------|---------------------|-------|----------------|--------------|----------------------------|--------------------|--------|
| | Year. | No. commenced. | No. pending. | No. decided. | | Year. | No. commenced. | No. pending. | No. interlocutory decrees. | No. final decrees. | Total. |
| 18th Judicial Circuit: | | | | | | | | | | | |
| Wayne, | - | 1849, | 22 | 6 | 21 | 1849, | 8 | 9 | - | 17 | |
| Cabell, | - | " | 12 | 14 | 13 | " | 14 | 14 | 13 | 4 | |
| Mason, | - | " | 35 | 50 | 14 | " | 6 | 20 | - | 2 | |
| Jackson, | - | " | 71 | 156 | 42 | " | 17 | 73 | 9 | 5 | |
| Putnam, | - | " | 37 | 46 | 82 | " | 9 | 22 | 1 | 4 | |
| Kanawha, | - | " | 415 | 434 | 448 | " | 39 | 191 | 64 | 13 | |
| | | 592 | 706 | 620 | | | 93 | 329 | 87 | 45 | 2472 |
| 19th Judicial Circuit: | | | | | | | | | | | |
| Wood, | - | 1849, | 159 | 270 | 71 | 1849, | 33 | 157 | 22 | 26 | |
| Wirt, | - | " | 41 | 38 | 12 | " | 10 | 15 | 2 | | |
| Gilmer, | - | " | 68 | 101 | 38 | " | 27 | 63 | 6 | 9 | |
| Braxton, | - | " | 38 | 55 | 38 | " | 13 | 56 | 15 | 9 | |
| Lewis, | - | " | 121 | 210 | 63 | " | 69 | 273 | 25 | 22 | |
| Ritchie, | - | 1848 | 17 | 22 | - | 1848, | 12 | 28 | 11 | 4 | |
| Doddridge, | - | " | 29 | 32 | 25 | " | 11 | 30 | 7 | 2 | |
| Pleasants—new. | | | 473 | 728 | 247 | | 175 | 622 | 88 | 72 | 2405 |
| Kanawha county. | - | - | 415 | 434 | 448 | - | 39 | 191 | 64 | 13 | 1604 |

[DOC. No. LXIII.]

REPORT

OF

THE COMMITTEE OF CLAIMS

IN RELATION TO

SATISFYING MILITARY LAND WARRANTS

BY

APPROPRIATIONS FROM THE TREASURY.

1852.

REPORT.

The committee of claims, to whom were referred the petitions of Norborne E. Sutton, S. H. Parker, J. B. Southall, G. W. Camp, and sundry others, heirs at law of officers who served in the Virginia line in the war of the Revolution, asking that certain Revolutionary military land warrants by them held may be satisfied by appropriations from the treasury of the state, have had the same under consideration, and submit the following

REPORT :

That there are before the committee numerous petitions of citizens of the state, the prayer of all which is, that numerous land warrants issued to the petitioners for the military services of their ancestors in the Virginia line in the war of the Revolution, may be discharged either in land, or by equivalent appropriations of the treasury.

The petitioners allege that there is a manifest obligation on the part of the U. States to make provision for the satisfaction of these warrants ; that that obligation has been acknowledged by the passage of three several acts of congress, making appropriations for the satisfaction of Virginia land bounties ; that the appropriations made by those acts have proved insufficient ; and that, despairing of justice from congress, they are compelled to appeal to Virginia for relief.

The petitioners raise the question of the state's liability to make good these warrants, in the following language :

“Your memorialists humbly conceive that Virginia is bound by every consideration to make good the warrants they now hold, either in land or its fair equivalent in money. Those warrants were issued from the land office of Virginia, in pursuance of Virginia laws, in compliance with Virginia engagements, and for services rendered in the Virginia armies, that fought and won the battles of the Revolution. If the federal government will not do its duty in the premises, Virginia should not shrink from doing hers. If the former repudiate its just obligations, it is no reason that Virginia should follow so forbidding an example. One thing is plain—some one ought to pay these claims. If the United States will not, Virginia ought. Her honor demands it. Your petitioners hold her bonds, drawn by her authorized agents and attested by her seal, and they have the right to ask, and do now ask payment.”

The committee do not propose to consider, much less to admit, the liability here raised, because there is a palpable obligation on the part of the United States to provide for the outstanding warrants, and because they believe that upon a proper representation of the subject to the congress of the United States, that body cannot fail at once to meet its obligations by making the amplest appropriations.

But your committee are decidedly of the opinion that the subject is one eminently worthy of the grave consideration of the general assembly. There are hundreds of the citizens of this state who hold land warrants in pursuance of her land bounty laws passed during the period of the Revolution; and the least the state can do is to take the necessary steps to procure from the federal government the recognition of these claims and the means for their liquidation. And the less time should be lost, because congress is every day voting away the public lands to almost every conceivable object.

Instead, therefore, of advising the payment of these claims by appropriations from the treasury, your committee suggest that the subject be urged upon the immediate and earnest attention of our senators and representatives in congress; and to this end they recommend the immediate adoption of the following preamble and resolutions:

Whereas Virginia, by various acts of her general assembly, passed during the period of the Revolutionary war, offered certain bounties in land to those of her citizens who should engage in her military service:

And whereas many of her citizens did engage in her service, and by so engaging, entitled themselves to the bounties promised:

And whereas to provide for these bounties, a large and amply sufficient portion of her public domain, between the Ohio, Mississippi and Tennessee rivers, was set apart by the resolution of her general assembly of the 19th December 1778—(See Henning's Statutes at Large, vol. 10, pp. 55, 56:)

And whereas the cession of the Northwest territory was made by Virginia to the United States, on the express condition that if the reservation made by her for the bounties aforesaid should from any cause prove insufficient, the deficiency should be made up by the United States, in good lands to be laid off between the Scioto and Miami rivers:

And whereas the United States accepted the said cession on the condition hereinbefore recited; and whereas also the government of the United States did, by its own acts, to wit: (the Treaties of Hopewell, concluded with the Cherokee and Chickasaw Indians, in the years 1785 and 1786,) transfer and guarantee to the said Indians a large portion of the lands reserved by Virginia for the land bounties of her officers and soldiers:

And whereas, by the acceptance of the said cession and by the acts before stated, the government of the United States became both equitably and legally bound to make good to Virginia any deficiency occurring in the fund by her provided for the satisfaction of her promised bounties:

And whereas, furthermore, by the general assumption act of 1790, the congress of the United States did assume, and afterwards discharge, all the debts of the several states which "had accrued for the particular or general defence during the war," and did, by the principles and spirit of this act, commit the federal government to the payment of the land bounties engaged by Virginia to her revolutionary officers and soldiers, the said warrants being, to all intents and purposes, a "debt accruing for the particular and general defence during the war:"

And whereas, for the reasons before expressed, the reservation made by Virginia did prove insufficient, and there are now outstanding numerous land bounty warrants issued by Virginia to the heirs at law of those who fought her battles in the war of Independence, which, on manifest principles of justice, ought to be provided for by the government of the United States: Therefore,

Resolved by the general assembly of Virginia, That our senators in congress be instructed, and our representatives requested to use their best exertions to procure the passage of a law making a further appropriation of scrip to satisfy the Virginia military land bounty warrants now outstanding; and, to this end, that our said senators be instructed, and our representatives requested to introduce in the senate and house of representatives respectively, a bill providing for such appropriation of scrip.

And whereas the law of Virginia, allowing the presentation of land bounty claims, has expired by limitation, and ought not to be revived: Therefore,

Be it further resolved, That our said senators be instructed, and our representatives requested, to accept such appropriation of scrip as a full discharge of all claim of this state upon the United States, on account of the land bounties of her officers and soldiers for services in the war of the Revolution.

Resolved, That the governor of this commonwealth transmit to each of our senators and representatives in congress a copy of the foregoing report, preamble and resolutions.

[DOC. No. LXIV.]

REPORT

OF THE

COMMITTEE FOR COURTS OF JUSTICE

IN RELATION TO THE

DECISION OF THE U. STATES SUPREME COURT

IN THE

WHEELING BRIDGE CASE.

1852.

R E P O R T.

The committee for courts of justice, to whom were referred the opinions of the judges of the supreme court of the United States in the case of the state of Pennsylvania against the Wheeling and Belmont bridge company and others, have had the same under consideration, and recommend that the house adopt the following preamble and resolutions :

Whereas this general assembly regards the wire suspension bridge over the eastern channel of the Ohio river at the City of Wheeling as a work of great utility to the public, and creditable to the enterprize of the people by whom it was erected, and doth deeply regret the result of the controversy in the supreme court of the United States in relation thereto :

And whereas the enforcement of the decree of the said court would not only tend to deprive the country of a valuable means of intercourse between different portions of the Union, but would inflict a misfortune upon a part of the good people of this state, who have at great expense constructed an important public work without any apprehension that it might be deemed illegal by the federal judiciary :

Be it therefore resolved by the general assembly, That the senators in congress from this state be instructed and the representatives requested to propose and support such proper measures within the constitutional power of congress as may serve to maintain the bridge over the Ohio river at the city of Wheeling, as the same has been constructed.

2. The attorney general of this commonwealth is instructed to move the said court that its decree in relation to said bridge be suspended until there may be legislation on the subject.

3. The general assembly cannot forbear to mark the prosecution of the said controversy in the name and by the authority of the state of Pennsylvania, as the exhibition of an unjust and unfriendly spirit towards our citizens.

Resolved, That the governor be requested to transmit to the representatives of this state in the congress of the United States a copy of the foregoing preamble and resolutions.

[DOC. No. LXV.]

ESTIMATES

OF THE

RECEIPTS AND DISBURSEMENTS

AT THE

TREASURY OF THE COMMONWEALTH,

DURING THE

FISCAL YEARS 1852-53 & 1853-54.

1852.

REPORT.

AUDITOR'S OFFICE, *Richmond*,
April 10th, 1852.

SIR,

In obedience to the resolution of the house of delegates agreed to on the 2d day of this month, I have prepared estimates of the receipts and disbursements of the treasury during the fiscal years 1852-'53 and 1853-'54. These estimates of course are to a great extent conjectural, but I think may be relied on with some confidence. You will observe that I have endeavored to explain, by a note, such items in my estimates as are unusual in amount or otherwise. I have assumed the value of the real and personal property of the commonwealth, which will be subject to direct taxes under the system of taxation prescribed by the constitution, to be \$465,542,189 70. The table itself will shew why I have used that sum. The ordinary sources of revenue, which will not probably be affected by the action of this general assembly, yielding their usual supply, sixteen cents on the hundred dollars of the estimated value of the land and other property, subject to taxation directly, together with an increase of 33½ per cent. on the amount of the license tax of 1851, after deducting the lottery license tax, the amount of taxes on incomes and professions in 1851 being increased fifty per cent., will yield, with one-half of the capitation tax and the surplus revenues of the Board of public works, in the fiscal year 1852-'3, \$1,600,942 92, and in the fiscal year 1853-'4, \$1,615,151 34. In fixing these sums, I have made liberal allowances for insolvents and the commissions of collectors of the revenue—in fact, I regard the allowances on these accounts as too great, but I felt myself bound to look to the existing laws on these subjects, without anticipating probable changes therein. Nor have I calculated on any increase, in the surplus revenues of the Board of public works, beyond the increased expenses of that board when organized according to the existing constitution of the state, but it must be admitted that this surplus revenue will in all probability be considerably increased during the years for which I am making estimates. If the rate of taxation on licenses in 1851 be increased 33½ per cent., then the amount which will be received from the new subjects of the license tax, which may be embraced by any bill on that subject which the general assembly may pass at this session, must be added to my estimates of receipts.

The usual and necessary disbursements of the government during the fiscal year 1852-'3, will probably be about \$ 1,433,641 35, and in the year 1853-'4 about \$1,620,991 35, leaving an excess of estimated receipts over estimated disbursements in 1852-'3, of \$167,301 57 cents and an excess of the estimated disbursements over the estimated receipts in 1853-'4, of \$ 5,840 01. The margin of receipts in 1852-'3 may be occupied by the probable, but not imperatively necessary, and therefore not provided for, appropriations of the present session of the general assembly: if anything beyond this, remain, it may be left *pro tanto* for the temporary loan of 1851-'2. This temporary loan or occasional deficiency I have not provided for, as it will be funded as it arises, under a recent act of the legislature authorizing the general treasury to borrow from time to time, from the Board of public works, as much as may be required to meet the demands upon it, but have left it to be paid by accidental balances which may come into the treasury from under estimates of receipts. A uniform rate of taxation will in a very short time pay off this debt during those fiscal years in which there will not be sessions of the general assembly.

In estimating the annual appropriations on account of the sinking fund, I have been left to my own interpretation of the constitution, as the legislature has not yet indicated its opinion upon the questions that arise under the section on that subject. I have understood the expression "state debt existing on the first day of January 1852," to mean the actual outstanding debt held by others than the state or corporations of which she is the sole owner. The amount therefore of old debt, upon which I have estimated seven per cent. per annum for the two fiscal years embraced by my tables, is \$11,971,838 30. The future debt, that is the debt contracted and to be contracted after the first day of January 1852, is represented by—

| | | | | | |
|--|-----------|----|---------|----|------------------------|
| The amount paid from the 1st January 1852 to the 1st April 1852, on account of subscriptions and appropriations, | - | - | - | - | 625,765 93 |
| The amount of payments yet to be made on account of subscriptions and appropriations actually made to the 1st of April 1852, | - | - | - | - | 1,728,014 73 |
| The amount which is authorized to be subscribed to organized companies when private subscriptions are made, | 2,129,963 | 11 | | | |
| Less by this sum, which will probably not be called for, | - | - | 450,000 | 00 | 1,679,963 11 |
| The amount of subscriptions authorized to companies not yet organized, | 742,560 | 00 | | | |
| Less that which there is a strong probability will not be called for, say | 600,000 | 00 | | | 142,560 00 |
| Probable increase of the debt after the 1st day of January 1852, - | - | - | - | - | <u>\$ 4,176,303 77</u> |

Of this sum I have supposed that there will be called for before the 1st day of July 1864, \$ 3,500,000 in the following parcels, viz :

| | | | | | |
|---|---|---|---|---|-----------------|
| Between the 1st day of January 1852 and the 1st day of July 1852, | - | - | - | - | 1,000,000 00 |
| Between the 1st day of July 1852 and the 1st day of January 1853, | - | - | - | - | 750,000 00 |
| Between the 1st day of January and the 1st day of July 1853, | - | - | - | - | 750,000 00 |
| Between the 1st day of July 1853 and the 1st day of January 1854, | - | - | - | - | 500,000 00 |
| And between the 1st day of January 1854 and the 1st day of July 1854, | - | - | - | - | 500,000 00 |
| | | | | | <hr/> |
| | | | | | \$ 3,500,000 00 |

I have calculated and included in my estimate the semi-annual interest which will be payable on each parcel when borrowed within the period covered by my estimate, and set aside on the 1st day of January 1853 and 1854 one per cent. on the amounts which I suppose will have been borrowed prior to those days respectively.

It has been suggested to me that the legislature may adopt a different construction, of the provision of the constitution on the subject of the sinking fund, from the one I have used in making my estimates. I have therefore made alternate estimates of the receipts and disbursements at the treasury in the fiscal years of 1852-'3 and 1853-'4. In these alternate estimates I have treated the stocks, held by the Board of public works and the Board of the Literary fund, as debts of the state, to be extinguished by the sinking fund. In accordance with this suggestion, I have supposed that one-half of the subscriptions made and authorized to organized and unorganized companies, so far as they will probably be called for at all, will be considered as an interest and sinking fund, bearing debt on the first day of July 1852, and the other half on the first day of January 1853. I have also, in the alternate estimates of the disbursements of 1852-'3, embraced the temporary loan which may be necessary to be made in the fiscal year 1851-'2. To meet these disbursements, at least twenty cents on the estimated value of the property of the commonwealth, together with a corresponding increase of the capitation tax, and an increase of 66 $\frac{2}{3}$ per cent. on the revenue arising from licenses, incomes and professions in 1851, will have to be raised.

The tables now sent to the general assembly can be corrected, when it shall determine what property will be exempt from direct taxes and its policy at this session as to appropriations for the purposes of internal improvements and for extraordinary objects.

I am, with high respect,

Your obedient servant,

RO. JOHNSTON,
First Auditor.

To the Hon. O. M. CRUTCHFIELD,
Speaker of the House of Delegates of Virginia.

AN ESTIMATE

Of the Probable Receipts and Disbursements of the Treasury for the two fiscal years to close on the 30th September 1853 and the 30th September 1854, prepared in compliance with a Resolution adopted by the House of Delegates on the 2d April 1852.

From the 1st October 1852 to the 30th September 1853, inclusive.

ESTIMATED RECEIPTS.

| | | | | | |
|---|---|---|---|---|--------------------------|
| 1. | From Militia fines, | - | - | - | 14,000 00 |
| 2. | Law process, seals, &c. from clerks of courts, | - | - | - | 35,000 00 |
| 3. | Notaries public, | - | - | - | 4,000 00 |
| 4. | Register's fees, | - | - | - | 6,500 00 |
| 5. | Great and lesser seal, | - | - | - | 50 00 |
| 6. | Inspectors of tobacco, | - | - | - | 6,000 00 |
| 7. | Redemption of delinquent lands, and of lands sold and bought for the commonwealth, | - | - | - | 900 00 |
| 8. | Dividends on bank stocks, | - | - | - | 186,000 00 |
| 9. | Interest on a bond of the James river and Kanawha company, | - | - | - | 16,100 00 |
| 10. | Interest and damages on judgments in favor of the commonwealth against public debtors, | - | - | - | 400 00 |
| 11. | Tax on dividends declared by joint stock companies, | - | - | - | 10,000 00 |
| 12. | Tax on salaries in the second auditor's office, | - | - | - | 30 00 |
| 13. | Sale of condemned slaves, | - | - | - | 10,000 00 |
| 14. | Sale of articles manufactured at the penitentiary, | - | - | - | 10,000 00 |
| 15. | Records of the court of appeals—fees for printing, | - | - | - | 3,500 00 |
| 16. | Capitation tax on free negroes, | - | - | - | 7,750 00 |
| 17. | Unappropriated land, sale of, | - | - | - | 5,000 00 |
| 18. | Miscellaneous, rents from armory and warehouse in Petersburg, weighmaster of live stock, costs, &c. | - | - | - | 6,000 00 |
| Value of lots, lands and buildings under the assessment of 1850, as reported to the convention, | | | | | 276,529,566 37 |
| Add estimated increased value for new buildings, &c. (see Note a,) | | | | | 3,200,000 00 |
| | | | | | <u>279,729,566 37</u> |
| Value of live stock, as shown by the last census tables, | | | | | 33,656,659 00 |
| Taxable value, as fixed by the constitution on 257,821 slaves, the number returned by the commissioners of the revenue for 1851, \$ 300 each, | | | | | 77,346,300 00 |
| Value of the following subjects, as ascertained by the commissioners of the revenue for 1851, viz: carriages and their harness, | | | | | 2,123,377 00 |
| Pianos and harps, | | | | | 649,326 00 |
| Plate taxed in 1851, | | | | | 184,138 00 |
| Moneys loaned, bonds purchased, and other securities taxed under the 52d section of chapter 35 of the Code, | | | | | 30,327,433 33 |
| Estimated value of the following subjects returned by the commissioners of the revenue for 1851, viz: | | | | | |
| 12,906 gold watches, say at 50 cts. | | | | | 645,300 00 |
| 6,092 patent lever do. 25 | | | | | 152,300 00 |
| 13,242 other do. 10 | | | | | 132,420 00 |
| 41,963 metallic clocks, 10 | | | | | 419,830 00 |
| 35,108 other do. 5 | | | | | 175,540 00 |
| Estimated value of property not enumerated above, which may be subjected to tax, and for annual increase on the foregoing subjects, (see Note b,) | | | | | 50,000,000 00 |
| | | | | | <u>\$ 465,542,189 70</u> |

| | | |
|--|------------|-----------------------|
| \$465,542,189 70 of value will produce, at 16 cents of tax upon each \$100 of value, - | - | 744,867 49 |
| Attorneys, tax of 1851, - | 5,936 00 | |
| 50 per cent. probable additional tax, - | 2,967 50 | 8,902 50 |
| Physicians and dentists, tax of 1851, - | 9,939 00 | |
| 50 per cent. probable additional tax, - | 4,969 50 | 14,908 50 |
| Income, tax of 1851, - | 5,068 94 | |
| 50 per cent. probable additional tax, - | 2,529 47 | 7,588 41 |
| Collateral inheritances, tax of 1851, - | - | 7,308 10 |
| Capitation tax on 195,927 white males, at 32 cts. - | 62,696 64 | |
| Deduct one-half, to be appropriated to purposes of education, - | 31,348 32 | 31,348 32 |
| License tax for 1851, per auditor's annual report, - | 238,718 75 | |
| Deduct lottery licenses, - | 21,000 00 | |
| - | 217,718 75 | |
| Probable additional tax, 33½ per cent. - | 72,572 91 | 290,291 66 |
| - | - | 1,105,214 98 |
| Deduct estimated insolvents, - | - | 16,000 00 |
| - | - | 1,089,214 98 |
| Deduct 5 per cent. commissions, - | 54,460 74 | |
| " 2½ - | 20,373 08 | 74,833 82 |
| - | - | 1,014,381 16 |
| Probable receipts for the fiscal year 1852-'53, from the foregoing sources, - | - | 1,337,629 88 |
| Probable amount to be received from the second auditor, from the surplus funds of the Internal improvement fund, (see Note c,) - | - | 263,313 04 |
| - | - | <u>\$1,600,942 92</u> |

ESTIMATED DISBURSEMENTS.

| | |
|--|------------|
| 1. For Expense of representation in congress, the senate and house of delegates—comparing polls, - | 500 00 |
| 2. Officers of government, (see Note 1,) - | 100,000 00 |
| 3. Criminal charges and guards in the country, jailors, witnesses, guards, &c. - | 45,000 00 |
| 4. Slaves condemned, executed and transported, - | 15,000 00 |
| 5. Penitentiary house expenses, support of convicts, &c. - | 4,000 00 |
| 6. " officers' salaries, - | 7,500 00 |
| 7. " criminal charges, conveying prisoners to, - | 9,000 00 |
| 8. Records of the court of appeals, printing, - | 4,000 00 |
| 9. Contingent expenses of courts, (see Note 2,) - | 32,000 00 |
| 10. Militia and officers of militia, pay of adjutant general, clerks, adjutants, musicians, &c. - | 19,000 00 |
| 11. Military contingent—pay of visitors to the military institute, expenses of the adjutant general's office, of firing salutes, &c. - | 3,000 00 |
| 12. Military institute, support of, - | 7,710 00 |
| 13. Public guard, support, clothing, &c. - | 22,000 00 |
| 14. Manufactory of arms, water rent, - | 1,280 00 |
| 15. Repairs of the armory, - | 500 00 |
| 16. Repairs of arms, - | 4,000 00 |
| 17. Transportation of arms, - | 250 00 |
| 18. Commissioners of the revenue and assistants, (see Note 3,) - | 47,500 00 |
| 19. Western lunatic asylum, support of, - | 40,000 00 |
| 20. Eastern " " - | 32,000 00 |
| 21. Expense of lunatics, expenses of conveying to, and support in jail, &c. - | 1,500 00 |
| 22. Deaf and dumb and blind institute at Staunton, - | 15,000 00 |
| 23. Pensioners, - | 920 00 |
| 24. Interest on 7 per ct. debt due the Literary fund, 1st auditor's office, - | 22,330 00 |

| | | | | |
|-----|--|---|---|-----------|
| 25. | Interest on 6 per cent. debt due to the Literary fund, 1st auditor's office, | - | - | 1,443 35 |
| 26. | Contingent fund, (see Note 4,) | - | - | 15,000 00 |
| 27. | Civil prosecutions, for expenses in civil suits in which the common-wealth is a party, | - | - | 500 00 |
| 28. | Vaccine agent, Richmond, | - | - | 500 00 |
| 29. | International exchanges, | - | - | 250 00 |
| 30. | Public warehouses, pay of commissioners, | - | - | 300 00 |
| 31. | Virginia volunteers, | - | - | 100 00 |
| 32. | Grattan's reports, | - | - | 3,500 00 |
| 33. | Commissioners for assessing free negroes, | - | - | 180 00 |
| 34. | Washington monument fund, (see Note 5.) | - | - | 7,000 38 |
| 35. | Transportation of free negroes, | - | - | 5,000 00 |
| 36. | Electors, mileage and per diem, | - | - | 1,050 00 |
| 37. | Expense of elections, Board of public works and judges comparing polls, &c. | - | - | 5,000 00 |

| | | |
|--|---|-------------------------|
| Public debt on the 1st January 1852, | - | 11,971,838 30 |
| Probable increase on the first 6 months, 1852, | - | 1,000,000 00 |
| " amount of debt on the 1st July 1852, | - | 12,971,838 30 |
| " increase in the second 6th months, 1852, | - | 750,000 00 |
| " amount of debt on the 1st January 1853, | - | 13,721,838 30 |
| " increase in the first 6 months, 1853, | - | 750,000 00 |
| " amount of debt on the 1st July 1853, | - | <u>\$ 14,471,838 30</u> |

Sinking fund on the foregoing debt:

| | |
|---|------------------------|
| 7 per cent. on \$ 11,971,838 30, debt on 1st Jan'y 1852, | 838,028 68 |
| 6 months' interest to 1st January 1853, on probable amount of debt to be contracted from the 1st of January to the 1st of July 1852, | 30,000 00 |
| 6 months' interest to 1st July 1853, on ditto, | 30,000 00 |
| Average of 3 month's interest on \$ 750,000, probable amount of debt to be contracted from the 1st of July 1852 to the 1st of January 1853, | 11,250 00 |
| 6 month's interest to the 1st of July 1853, on ditto, | 22,500 00 |
| Average of 3 month's interest on \$ 750,000, probable amount of debt to be contracted from the 1st of January to the 1st of July 1853, | 11,250 00 |
| One per cent. on \$ 1,750,000, probable amount of debt to be contracted in the year 1852, | 17,500 00 |
| | <u>960,528 68</u> |
| (See Note 6,) | <u>\$ 1,433,641 35</u> |

From the 1st October 1853 to the 30th September 1854, inclusive.

ESTIMATED RECEIPTS.

| | |
|--|------------------------|
| From sources numbered 1. to 18., in the foregoing table, deducting \$ 500 from the estimate of receipts from the register's office, and \$ 1000 from the sale of unappropriated land, and adding \$ 100 to the estimate of receipts for the redemption of land, and \$ 2000 to the tax on dividends, | 323,848 73 |
| From taxes on land, live stock, slaves and other property, professions, income, &c., as estimated in the foregoing table for 1852-'53, | 1,014,381 16 |
| From estimated annual increase in value of buildings and subjects of taxation, nett, | 2,500 00 |
| Probable amount to be received from the second auditor from the surplus funds of the internal improvement fund, (see Note c,) | 274,421 46 |
| | <u>\$ 1,615,151 34</u> |

ESTIMATED DISBURSEMENTS.

| | | |
|--|---------------|-----------------------|
| For general assembly session 1854, - - - - - | | 120,000 00 |
| For the several heads of expenditure, numbered 1 to 35, in the foregoing table for 1852-'53, adding \$ 500 to that for expense of representation, deducting \$ 7,500 from that for commissioners of the revenue, and making no estimate for Virginia volunteers or Washington monument fund, - - - - - | | 452,962 67 |
| Public debt, probable amount on the 1st July 1853, per estimate for 1852-'53, - - - - - | 14,471,888 30 | |
| Probable increase for the second 6 months of 1853, - - - - - | 500,000 00 | |
| Probable amount of debt on the 1st January 1854, - - - - - | 14,971,888 30 | |
| Probable increase in the second 6 months 1854, - - - - - | 500,000 00 | |
| Probable amount of debt on the 1st July 1854, \$15,471,888 30 | | |
| Sinking fund on the foregoing debt: | | |
| 7 per cent. on \$11,971,838 30, debt on the 1st Jan'y 1852, - - - - - | 838,028 68 | |
| 6 per cent. on \$ 2,500,000, probable increase of the public debt in 1852, - - - - - | 150,000 00 | |
| Average of 3 months' interest on \$ 500,000, probable am't of debt to be contracted from the 1st July 1853 to the 1st January 1854, - - - - - | 7,500 00 | |
| 6 months' interest to 1st July 1854, on ditto, - - - - - | 15,000 00 | |
| Average of 3 months' interest on \$ 500,000 probable am't of debt to be contracted from the 1st January to the 1st July 1854, - - - - - | 7,500 00 | |
| 1 per cent. on \$ 3,000,000, probable increased debt from 1st January 1852 to 1st January 1854, - - - - - | 30,000 00 | |
| | | 1,048,028 68 |
| | | <u>\$1,620,991 35</u> |

Alternate Estimate for Receipts 1852-'53.

| | | |
|---|-----------------------|------------|
| Aggregate tax on subjects marked No. 1 to 18, - - - | | 323,248 72 |
| Estimated value of land, live stock, slaves, carriages, pianos and harps, plate, watches, clocks and other property not enumerated, \$465,542,189 70, at 20 cents on the \$100 value, - - - | | 931,084 37 |
| Tax of 1851 on attorneys, physicians and dentists, income and collateral inheritances, - 28,241 04 | | |
| 66 $\frac{2}{3}$ per cent. thereon, - 18,827 36 | | |
| | 47,068 40 | |
| 195,927 white males, capitation tax at 40 cents, - 78,370 80 | | |
| Deduct one half for purposes of education, - 39,185 40 | | |
| | 39,185 40 | |
| | 1,017,333 17 | |
| Tax on licenses, 1851, - - - 217,718 75 | | |
| 66 $\frac{2}{3}$ per cent. thereon, - - - 145,145 83 | | |
| | 362,864 58 | |
| | 1,380,202 75 | |
| Delinquents, - - - - - 20,000 00 | | |
| | 1,360,202 75 | |
| Commissions, 5 per cent. on 1,360,202 78, - 68,010 13 | | |
| " 2 $\frac{1}{2}$ " on 1,017,338 17, - 25,433 45 | | |
| | 93,443 58 | |
| | 1,266,759 17 | |
| Surplus funds from the 2d auditor's office, - - - - - 263,313 04 | | |
| | <u>\$1,853,320 93</u> | |

Disbursements.

| | | |
|---|-----------------------|------------|
| Aggregate of subjects, numbered 1 to 37, - - - | | 473,112 67 |
| Sinking fund > | | |
| 7 per cent. on \$13,483,357 21, amount of debt on the 1st Jan'y 1852, including amount held by the Literary fund and the Board of public works, - - - | 943,835 00 | |
| 7 per cent. on \$625,765 93, paid from 1st January to 1st April 1852, on account of subscriptions and appropriations, - - - | 43,803 61 | |
| 7 per cent. on \$390,366 34, amount on hand on the 1st April 1852, second auditor's office, to be applied to the next item, and for which bonds have been sold, - - - | 27,325 64 | |
| 1,728,014 73, amount of payments yet to be made on account of subscriptions and appropriations actually made to 1st April 1852. | | |
| 390,366 34, amount on hand deducted. | | |
| 1,337,648 39 | | |
| 2,129,963 11, amount which is to be subscribed to organized companies when private subscriptions are made to them, on 1st April 1852. | | |
| 142,560 00, balance after deducting \$600,000, which there is strong probability will not be called for, from \$742,560, the amount authorized to be subscribed to companies not organized on the 1st April 1852. | | |
| | <u>\$3,610,171 50</u> | |
| 7 per cent. on \$1,805,085 74, one half thereof, - - - | 126,355 90 | |
| | 1,141,320 15 | |
| Temporary loans, - - - - - | 350,000 00 | |
| | <u>\$1,964,432 82</u> | |

Alternate Estimate for Receipts 1853-'54.

| | | | |
|---|---|--------------------|-----------|
| Aggregate tax on subjects marked No. 1 to 18 as before stated, | - | 323,848 | 72 |
| Taxes on land, live stock, slaves and other property, professions, income, &c. | - | 1,266,759 | 17 |
| Estimated annual increase in value of buildings and subjects of taxation, (nett,) - | - | 3,400 | 00 |
| Surplus funds from the 2d auditor, - | - | 274,421 | 46 |
| | | <u>\$1,868,429</u> | <u>35</u> |

Disbursements.

| | | | | | |
|---|-----------|---|-----------|--------------------|-----------|
| General assembly, session 1854, | - | - | - | 120,000 | 00 |
| The several heads of expenditure numbered 1 to 35 as before stated, | - | - | - | 452,962 | 67 |
| Sinking fund: | | | | | |
| 13,483,367 | 21 | Debt on the 1st January 1852. | | | |
| 625,765 | 93 | Paid from 1st January to 1st April 1852. | | | |
| 1,728,014 | 73 | Payments yet to be made on subscriptions. | | | |
| 2,129,963 | 11 | Amount which is to be subscribed to organized companies, &c. | | | |
| 142,560 | 00 | Balance authorized to be subscribed to companies not organized. | | | |
| <u>\$18,109,660</u> | <u>96</u> | 7 per cent. thereon, | - | - | - |
| | | | | 1,267,676 | 26 |
| | | | | <u>\$1,840,638</u> | <u>93</u> |
| Estimate for receipts | 1852-'53, | - | - | 1,853,320 | 93 |
| | 1853-'54, | - | - | 1,868,429 | 35 |
| | | | | <u>3,721,750</u> | <u>28</u> |
| " " disbursements | 1852-'53, | - | 1,964,432 | 82 | |
| | 1853-'54, | - | 1,840,638 | 93 | |
| | | | | <u>3,805,071</u> | <u>75</u> |
| Deficiency, | - | - | - | <u>\$83,321</u> | <u>47</u> |

This deficiency may be supplied by a license tax on new subjects as proposed, or from other sources.

NOTES ON RECEIPTS.

(Note a.)—The value of buildings on lands and town lots increased, between 1840 and 1850, \$15,769,321; the increase since 1850 may therefore be put down at \$3,153,864. I suppose the present system of assessing new buildings and the improvements on old buildings annually, will be continued. I have added a small sum for the value of land patented since 1850.

(Note b.)—This item includes plate not heretofore taxed, i. e. plate owned by persons who have not more than \$50 worth thereof, and \$50 worth of plate owned by persons who have more than \$50 worth thereof; furniture, stocks in joint stock companies paying no dividends, and therefore not heretofore taxed, moneys in hand or loaned without interest, credits, bonds and other securities not heretofore taxed, shipping, road wagons, &c. &c.

(Note c.)—The nett resources of the Board of public works applicable to the payment of interest on the public debt in the fiscal years 1852-'3 and 1853-'4, as calculated by the second auditor, and given in this table, are expected to increase so as to bear the additional expenses, say \$10,000 per annum, of the Board of public works, when it shall be organized under the new constitution. This is certainly a small increase to calculate upon.

Statement of the Probable Resources and Liabilities of the Fund for Internal Improvement for 1st January 1853, 1st July 1853, 1st January 1854 and 1st July 1854.

For 1st January 1853:

RESOURCES.

| | | |
|--|---|-----------|
| Bank dividends, - | - | 45,028 00 |
| Bonus on bank dividends, - | - | 24,321 75 |
| Interest on loan to James river and Kanawha company, | - | 47,880 00 |
| Annuity to old James river company, - | - | 10,500 00 |
| Dividend from old James river company, - | - | 4,260 00 |
| Interest on loans to internal improvement companies, - | - | 8,197 48 |
| Annuity from old James river company, - | - | 5,000 00 |
| Dividend from Richmond, Fredericksburg and Potomac railroad, - | - | 9,632 00 |
| Roanoke navigation company, - | - | 1,600 00 |
| Dismal Swamp canal, - | - | 9,500 00 |
| Turnpike company dividends, - | - | 2,895 00 |
| Bridge companies, - | - | 300 00 |
| Premiums on sales of stock, - | - | 20,000 00 |

169,114 23

PROBABLE EXPENDITURE.

| | |
|--|-----------|
| Expenses of auditor's office, - | 3,000 00 |
| Pay of proxies to James river and Kanawha company, - | 500 00 |
| Payments to old James river company stockholders, - | 10,500 00 |
| Payments to Literary fund, for interest, - | 22,911 02 |

36,911 02

Nett resources 1st January 1853,

\$132,203 21

For 1st July 1853:

RESOURCES.

| | | |
|--|---|-----------|
| Bank dividends, - | - | 45,028 00 |
| Bonus on bank dividends, - | - | 24,321 75 |
| Interest on loan to James river and Kanawha company, | - | 47,880 00 |
| Annuity from James river and Kanawha company, - | - | 10,500 00 |
| Dividend on old James river company stock, - | - | 4,260 00 |
| Interest on loans to sundry companies, - | - | 10,000 00 |
| Internal improvement company dividends, - | - | 13,032 00 |
| Premiums on sales of stock, - | - | 12,500 00 |

\$167,521 75

EXPENDITURES.

| | |
|---|-----------|
| Expenses of second auditor's office, - | 3,000 00 |
| Payments to old James river company stockholders, - | 10,500 00 |
| Payments to Literary fund for interest due, - | 22,911 02 |

36,411 02

Nett resources 1st July 1853.

\$131,110 73

For 1st January 1854:

RESOURCES.

| | |
|---|-----------|
| Bank dividends, - | 45,028 00 |
| Bonus on bank dividends, - | 24,321 75 |
| Interest on loans to James river and Kanawha company, - | 47,880 00 |
| Annuity from James river and Kanawha company, - | 10,500 00 |
| Dividend on old James river company stock, - | 4,260 00 |
| Annuity from Winchester and Potomac railroad, - | 5,000 00 |
| Railroad dividend, - | 9,632 00 |
| Navigation company dividends, - | 11,100 00 |
| Turnpike company dividends, - | 3,000 00 |
| Bridge company dividends, - | 300 00 |
| Premiums on sales of state stock, - | 12,500 00 |
| Interest on loans to companies, - | 10,000 00 |

183,521 75

EXPENDITURES.

| | |
|---|-----------|
| Expenses of second auditor's office, - | 3,000 00 |
| Payments to old James river company stock, - | 10,500 00 |
| Payments to Literary fund, - | 22,911 02 |
| Proxies to James river and Kanawha company, - | 500 00 |

36,911 02

Nett resources 1st January 1854,

\$146,610 73

For 1st July 1854:

RESOURCES.

| | |
|--|-----------|
| Bank dividends, - | 45,028 00 |
| Bonus on bank dividends, - | 24,321 75 |
| Interest from James river and Kanawha company, - | 47,880 00 |
| Annuity from do. - | 10,500 00 |
| Dividend on old James river company stock, - | 4,260 00 |
| Interest on loans, - | 10,000 00 |
| Railroad dividends, - | 9,632 00 |
| Navigation company dividends, - | 1,600 00 |
| Turnpike company dividends, - | 1,000 00 |
| Premiums on sales of stock, - | 10,000 00 |

164,221 75

EXPENDITURES.

| | |
|---|-----------|
| Expenses of second auditor's office, - | 3,000 00 |
| Payments to old James river co. stockholders, - | 10,500 00 |
| Interest due Literary fund, - | 22,911 02 |

36,411 02

Nett resources 1st July 1854, -

\$ 127,810 73

Nett resources 1st January 1853,

132,203 20

Do. 1st July 1853,

131,110 73

263,313 94

Do. 1st January 1854,

146,610 73

Do. 1st July 1854,

127,810 73

274,421 46

Do. for the two years,

\$ 537,735 40

These amounts are expected.

NOTES ON ESTIMATED DISBURSEMENTS.

(Note 1.)—Officers government.—The disbursements under this head in 1850-'51 were

| | | | |
|---|---|------------------|-----------|
| Deduct salaries of members of the council and its officers, | - | 4,750 00 | 95,606 58 |
| Clerk of the general court, | - | 500 00 | |
| Mileage and per diem of the judges of the general court and special court of appeals, | - | 5,000 00 | |
| | | <u>10,250 00</u> | |

| | | | |
|--|---|------------------|--------------------|
| Add increase in the salaries of the judges of the court of appeals, | - | 2,500 00 | 85,356 58 |
| Of the judges of the general court, | - | 4,900 00 | |
| Increased mileage of the judges of the court of appeals and circuit courts in attending the district courts, | - | 5,000 00 | |
| Increase in the salary of the governor, | - | 1,666 67 | |
| And of the superintendent of weights and measures, | - | 500 00 | |
| | | <u>14,566 67</u> | |
| | | | <u>\$99,923 25</u> |

In making this estimate, I have assumed that the salaries of 20 circuit judges will be \$2,000 each, and of one circuit judge \$1,500, and the salaries of four judges of the court of appeals \$3,000 each, and one, the president, at \$3,250.

(Note 2.)—Contingent expenses of courts.—The disbursements under this head in 1850-'51 were

| | | | |
|--|---|----------|------------------|
| Add for allowance for officers and stationery for ten district courts, \$200 each, | - | 2,000 00 | 30,695 33 |
| | | | <u>32,695 33</u> |

| | | | |
|---|---|--|---------------------|
| Deduct allowances to officers of the general court and special court of appeals, | - | | 952 03 |
| | | | <u>31,743 33</u> |
| Increased expenses from formation of three new counties in the western part of the state in 1851, | - | | 256 67 |
| | | | <u>\$ 32,000 00</u> |

(Note 3.)—Commissioners of the revenue.—The amount paid in 1850-'51 was

| | | | |
|--|---|-----------|--------------------|
| Add for services of 204 assistant commissioners for 75 days, at \$100, | - | 15,300 00 | 32,163 61 |
| | | | <u>\$47,463 61</u> |

(Note 4.)—Contingent fund.—As the legislature will not be in session during this fiscal year. I have thought this sum will be sufficient, its sufficiency will depend on the expenses of executing laws passed at the present session of the general assembly not made chargeable by such laws to some other fund.

(Note 5.)—Washington monument fund.—Should the \$25,000 appropriated for the current fiscal year be expended within the year, there will be left of the \$100,000 appropriated by the act of 1848-'49 ch. 9, this sum.

| | | | |
|---|-----------|-----------|-----------------|
| (Note 6.)—Amount paid from 1st January 1852 to 1st April 1852, on account of subscriptions and appropriations, | - | 625,765 | 93 |
| Amount of payments yet to be made on account of subscriptions and appropriations actually made to the 1st April 1852, | - | 1,728,014 | 73 |
| Amount which is to be subscribed to organized companies when private subscriptions are made to them, | 2,129,963 | 11 | |
| Of this sum there will probably be not called for, say, | 450,000 | 00 | |
| | | 1,679,963 | 11 |
| Amount authorized to be subscribed to companies not yet organized, | 742,560 | 00 | |
| Deduct that which there is strong probability will not be called for, | 600,000 | 00 | |
| | | 142,560 | 00 |
| Probable increase of debt after January 1852, | - | - | \$ 4,176,303 77 |

I have anticipated that the amount appropriated to the sinking fund proper will be directed to be set aside annually on the 1st day of January in each year, when the revenue has been paid in, and that the interest on the old and new debt will be set aside and paid as it has been heretofore paid on the old debt semi-annually on the 1st day of January and July. I suppose that the sinking fund proper, set aside and invested on the 1st day of January of each year, will consist of 7 per cent. on the old debt, less the interest thereon, and 1 per cent. on the amount of money borrowed prior to the time of such setting aside and subsequent to the 1st of January 1852. I look for a demand on the treasury on account of the sinking fund proper but once in each year.

[DOC. No. LXVI.]

PROCEEDINGS

OF THE

BOARD OF PUBLIC WORKS

RELATIVE TO

COUPON BONDS, ETC.

1852.

OFFICE BOARD PUBLIC WORKS,
April 13th, 1862.

*To the Honorable Speaker
Of the House of Delegates.*

SIR,

By the order of the Board of public works, I have the honor to transmit herewith to you, for the use of the house of delegates, copies of the various papers called for in a resolution adopted by that body on the 8th instant.

Very respectfully,

Your ob't servant,

W. R. DRINKARD,
Sec'y Board of Public Works.

PROCEEDINGS.

At a meeting of the Board of public works, held on the 9th day of April 1851, the subject of the state loan, under the act of March 29th, 1851, was taken up for consideration, and the following resolutions were adopted in relation thereto:

Resolved, That the Board of public works do hereby direct a negotiation of a loan of four millions of dollars, for the objects embraced in a recent law of the legislature, authorizing the issue of coupon bonds: the agent, to negotiate the loan, shall so arrange it as to save the state from the payment of interest upon the moneys borrowed, except from the time that the same shall be paid to the order of the board: the compensation of the agent shall be nothing, except such sum as he may be able to sell the stocks for above par for the first million of dollars, and for what he may sell the balance of the loan hereby authorized, after paying to the state the par value thereof, and two per cent. premium upon the same, or so much thereof as he may be able to dispose of.

Resolved, That the governor be hereby authorized and requested to transact the business embraced in the foregoing resolution, and to take such means as he thinks best, to have the coupon bonds prepared according to the law of the legislature.

Resolved, That the coupon bonds be prepared at once, and that the likeness of the governor be attached to the \$ 500 bonds.

At a meeting of the Board of public works, held on the 11th day of April 1851, the resolutions adopted on the 9th inst. in relation to the negotiation of a loan under the law authorizing the issue of coupon bonds, were taken up and reconsidered; whereupon, the said resolutions were rescinded, and the following adopted in lieu thereof:

Resolved, That the governor be and he is hereby authorized to visit the Northern cities for the purpose of ascertaining the practicability of negotiating a loan of two millions of dollars, agreeably to the provisions of a recent law of the legislature authorizing the issue of coupon bonds, and in case the services of an agent should be required to effect such loan, the terms upon which such services would be rendered, and that the governor is hereby further requested to report the result of his enquiries, and any proposals that may be submitted to him to the board.

Resolved, That the governor be requested to take such means as he thinks best to have the coupon bonds prepared according to the law of the legislature.

Resolved, That Thomas H. De Witt, assistant secretary of the board, be furnished with a copy of the foregoing resolutions, to be by him, in person, delivered to the governor.

At a meeting of the Board of public works, held on the 19th day of April 1851:

A communication from Jno. B. Floyd, Esq., governor, dated 14th inst., respecting his negotiations, was laid before the board and read; but, in consequence of his anticipated early return, the board did not deem it necessary to answer.

At a meeting of the Board of public works, held on the 30th April 1851, the governor laid before the board the following contract he had entered into with Selden, Withers & Co. of Washington city, in obedience to the resolutions of the board of the 9th instant:

This agreement, entered into this 11th day of April 1851, between John B. Floyd, the governor of the commonwealth of Virginia, member, president and agent of the Board of public works, acting for and under authority of said board, of the first part, and William Selden, John Withers, Robert W. Latham and Lawrence P. Bayne, acting as the firm of Selden, Withers & Co. of the second part—witnesseth as follows:

The said John B. Floyd, acting as aforesaid, has made, constituted and appointed, and by these presents doth make, constitute and appoint Selden, Withers & Co. of the city of Washington, D. C., agents for the state of Virginia and for the Board of public works, to sell and dispose of, for the state of Virginia and the Board of public works, one million of the coupon bonds about to be issued by the said state and board of public works, provided the agents shall be able to sell those bonds at par; and also to sell and dispose of, for the same purpose, three other millions of such bonds, provided two per cent. premium can be gotten for them. And the said John B. Floyd, acting as aforesaid, agrees that, so soon as the coupon bonds aforesaid shall have been issued, the Board of public works shall from time to time, as sales may require, place sufficient bonds and coupons in the possession of the said Selden, Withers & Co. to enable those agents to discharge the coming liabilities of Virginia as the same shall mature. But, although the said Selden, Withers & Co. promise and covenant to and with the said Floyd and his successors in office to use their utmost endeavors to effect sales of the four millions of coupon bonds

upon the terms limited, yet they are not to be held liable nor bound in any way to sell the bonds upon those terms. They only promise to raise the money upon those terms if they can, and to charge nothing if they cannot.

And the said Floyd hereby covenants for himself, his successors in office, and for the state of Virginia, that the said Selden, Withers & Co. shall retain for their efforts and expenses, in negotiating for the commonwealth of Virginia and for the Board of public works, whatever they shall sell the said bonds and coupons for above the prices hereinbefore stated; that is to say, the said Selden, Withers & Co. may retain, as contingent compensation for their services, whatever they can obtain above par on the first million, and all above two per cent. on the other three millions of the said bonds and coupons. On these terms the said Selden, Withers & Co. promise and covenant with the said Floyd and his successors in office, that they will well and truly account for, and pay over to the Board of public works, or to such agent as the state of Virginia shall select to receive the money, the proceeds of the sales, minus the contingent compensation which may accrue to the said Selden, Withers & Co. as before stated.

And the said Selden, Withers & Co. engage that they will so arrange the payments which the purchasers may be required to make, as that neither the state of Virginia nor the Board of public works shall be asked to pay interest until the money be furnished to the agents aforesaid. And that, when so furnished to the said Selden, Withers & Co., they will promptly notify the Board of public works, or its officers, of the same.

To enable the said Selden, Withers & Co. to redeem, in proper time, the coupons of interest as the same shall become due, the said John B. Floyd, for himself, for the Board of public works, and for the state of Virginia, hereby covenants to and with the said Selden, Withers & Co., and with the successors of them, and the successors of such survivors, that the state of Virginia shall, at least one month during every six months, before coupons shall become due, place to the credit of Selden, Withers & Co., in some proper bank in the city of Richmond, specie funds enough to enable the said Selden, Withers & Co. to pay the coupons promptly either in the city of Washington, the city of New York, or in any other place or places which the holders of the bonds and the said Selden, Withers & Co. shall have agreed on. And the right to pay every half year, during the periods that the bonds have to run, the said coupons of interest are hereby secured to the said Selden, Withers & Co., to their survivors and successors in business, unless misconduct in the agency shall forfeit the right.

And the said Selden, Withers & Co. must be duly notified, by the Board of public works, or some duly authorized agent of Virginia, of the periods of the year when the state will require the money, and of the precise amount that will be needed at each period.

As it is doubtful whether any premium can be gotten on the sale of the coupon bonds of the state of Virginia, and if none can be gotten, the state might suffer from an inability to dispose of her bonds, it is agreed that the said John B. Floyd, and any others whom he shall

select to attend him, shall visit Baltimore, Philadelphia and New York, and inform himself as fully as practicable about the present state and future prosperity of the money market as well in Europe as in this country; and that if, after that, the said John B. Floyd shall be clearly of opinion that the premiums, as hereinbefore stated, are too high and may prevent a sale of the bonds, that then, in such event, he will report the result of his convictions to the Board of public works, and use his efforts and influence in getting those premiums reduced. After all which, should the Board of public works still insist on keeping up the premiums as herein fixed, the said Selden, Withers & Co. shall possess the option to continue this contract or not, as their judgment and inclination shall dictate. And the said Selden, Withers & Co. promise to announce their judgment and inclination to the said Floyd, or to the Board of public works, soon after they shall have received due notice of the determination of the Board of public works respecting the premiums.

In witness of all which, The parties hereto set their hands and affix the style of their firm the day and year hereinbefore first written.

(Signed,)

SELDEN, WITHERS & CO.
JOHN B. FLOYD, *Pres't*
And Agent Board P. Works.

The foregoing contract was read and approved; and in consideration of the fact that the governor did not receive the resolutions adopted by the board on the 11th inst. before the said contract had been made, the said resolutions were rescinded.

The governor also laid before the Board communications from William Selden of Washington, D. C., John D. Gittings of Baltimore, and Newbold & Aspinwall of New York, in reference to the probabilities of effecting the desired loan; which were read and ordered to be filed.

I hereby certify that the foregoing are true copies from the proceedings of the Board of public works.

W. R. DRINKARD,
Sec'y Board P. Works.

The following are copies of the letters of Messrs. John B. Floyd, William Selden, John D. Gittings and Newbold & Aspinwall, referred to in the foregoing proceedings :

WASHINGTON CITY, April 14, 1851.

To the Board of Public Works.

GENTLEMEN,

I regret your communication did not reach me a day earlier, for then it would have arrested my action taken relative to the state bonds in conformity with the first order of the board. But it came too late for that. I think, however, when the Board of public works shall come fully to understand the contract now made, and be acquainted with all the reasons which induced me to enter into it, they will unhesitatingly conclude that it is by far the best arrangement possible to be made under all the circumstances which surround us.

The board will bear in mind that there is no state in the Union, of character and standing, whose stock is not better beyond its limits than Virginia. It is now impossible to sell a dollar of our stock for one cent above par, by any means whatever adopted or practised in our state. Some other appliances, then, must be resorted to, to bring the stocks above par. If such a result be deemed desirable, about which of course there cannot be two opinions, we must be guided in determining upon this course by that heretofore pursued by others, and by the best lights which the experience of the state and federal governments furnished for our direction. If I am correct in this view, then I have no hesitation in saying that the contract made with Selden, Withers and Company is the most advantageous made by either state or federal government.

The United States, when she had to resort to loans for the purpose of raising money, notwithstanding all the aids and facilities—all the character and credit she could give—had to issue \$14,000,000 before a premium of more than $\frac{1}{4}$ of one per cent. could be procured for the stocks. Her stocks never did reach a premium to the government of more than $3\frac{1}{4}$ per cent., although she advertised and invited all the capitalists of Europe and America to compete for the stocks. By our arrangement, we secure a premium of two per cent. upon all sums over one million, whilst we secure the sale of the first million at the full prices for which we can ever hope to sell a dollar of stock at home. One fact is material to be considered by the board: that the high premiums upon public stocks are rarely, if ever realized by the states which issue them. Stocks are like all other public property, and when sold by the state, sell for the *lowest* instead of the highest prices. Hence experience shews the necessity of interesting private interests and enterprise in enhancing the value of public property. From this reason even the United States stocks hung for a long time so near par, that Corcoran & Riggs were in pre-eminent danger of ruin before they

could, by sales and negotiations, sufficiently interest the brokers and capitalists of Europe and America in the value of the stocks to such an extent as to save them from loss, and finally to realize a profit.

I find that very active agencies are resorted to by all the states now in high credit, for the purpose of giving *currency* to these stocks, and I therefore conclude that experience has shewn them the course is necessary.

THE GREAT WORKS of Virginia are yet to be built—the Central railroad, the James river and Kanawha canal—and the sum of money requisite to accomplish these essential lines must be a very large one, and it occurs to me that if, by the arrangement now made, the stocks of the state can be *permanently* increased to a valuable premium, we will have done a real service to the commonwealth, particularly as it will be accomplished, if at all, without costing the state a dollar. For any per cent. these gentlemen may make will be more than compensated by the profits upon the sales, which the state may be able to realize after the premium upon her bonds shall have been fixed and established.

The details of the contract are very favorable. We can call for the money in such sums as we choose; we issue the bonds when we call for the money; we pay the interest by a deposit of specie funds in the banks at Richmond, although the agents pay the coupons in New York, &c. I will, however, procure not only the information the last resolutions of the board contemplate, but all else which will, in my judgment, be calculated to afford the board light in their future management of the commonwealth's finances. In the mean time, Mr. De Witt will give the board such information as would require more detail from me than is necessary, in view of my speedy return.

With the highest consideration and respect,

I am your obedient servant,

JOHN B. FLOYD.

BALTIMORE, April 19, 1861.

MY DEAR SIR,

When I had the pleasure of seeing you a few days since, you asked me to give you my views as to the causes operating upon the minds of capitalists seeking securities for investment in favor of Maryland stocks (state stocks) over those of Virginia.

In Baltimore we have only one or two large capitalists who operate in stocks with a view to sell again as soon as a profit can be obtained, and men upon whose judgment those making permanent investments are willing to rely. They have already made large investments in Maryland bonds, and would not be likely to countenance any other securities at present.

The objection now urged against Virginia stock is, that she has embarked so largely in internal improvements that she will be compelled for some years to become a borrower in order to complete her works, and that frequent applications for loans, either from a state or individuals must affect their credit. Another reason urged is, that Virginia formerly drew a large part of the revenue applicable to the payment of her interest from banks and other productive sources, but that the additional interest must be derived from a tax upon landed property, which has always been difficult to collect.

For myself, I can say that I have the most unbounded confidence in the stock of your state, and only yesterday advised a friend, who has \$40,000 to invest, to take your state stocks in preference to Maryland at present prices.

Trusting I shall soon have the pleasure of seeing you in Baltimore,

I remain yours, with much respect and regard,

JOHN D. GITTINGS.

His Excellency JOHN B. FLOYD,
Governor of the State of Virginia, Richmond.

NEW YORK, April 23, 1851.

DEAR SIR,

In compliance with your request, we have the honor to submit to you the substance of the views and opinions that we ventured to express to you yesterday in regard to the sale of your state bonds.

We think that four millions of dollars of the bonds could not now be disposed of in this market at their par value.

The uncertainty of how they may be estimated by the public for permanent investment, and the present state and future prospect of our monetary affairs, induce us to believe that our capitalists would not venture to purchase so large an amount as four millions. We think it probable, however, that one or two millions could be disposed of at par, provided the sale or negotiation should be judiciously managed, and it should be distinctly understood that no part of the remainder of the bonds should be sold or offered for sale for a year at least, so that the purchaser should have the market to himself for that period to enable him to sell off the bonds to advantage and realize a profit by the transaction.

If the sale be made by private negotiation, the whole of the one or two millions would probably be sold to one person or party, who would resell to purchasers for permanent investment.

We would, however, suggest for your consideration, whether it would not be best for you to offer the bonds for sale, by a suitable public advertisement, inviting bids or sealed proposals for a specified

period, and thus dispose of the bonds to the highest bidder ; (but of course no bid below par to be received.)

This mode of selling would place you in direct contact with all those who are seeking investments, and would test the value of the bonds in the public estimation, and would at the same time give the state the benefit of the premium on the bonds (if there should be any) on the sale of them.

On the other hand, we must not overlook the fact, that if this mode of offering the bonds for sale should be adopted and should not be successful, the result would be very prejudicial to the interests of the state, and might prevent the sale of the bonds altogether, at least during the existing limits. We incline to the opinion, however, that this mode of disposing of the bonds would prove to be successful, to the extent at least, of one million of dollars.

As to the prospect of effecting a sale of the bonds in Europe, we can only say, that we do not now possess the necessary information to enable us to form a correct or satisfactory opinion.

We have the honor to be,

Very respectfully,

Your ob't serv'ts,

GEORGE NEWBOLD,
WM. H. ASPINWALL.

His Excellency JOHN B. FLOYD,
Gov. of the State of Va., Richmond.

WASHINGTON CITY, April 25, 1851.

DEAR SIR,

From the careful and numerous enquiries which I have been able to make lately in Baltimore, Philadelphia and New York, I am led to believe that it will be difficult, if not impracticable, to obtain more than par for the stocks which Virginia proposes to issue, owing to the ignorance of capitalists as to the finances of Virginia, the value of her resources, the extent of her indebtedness, and the belief that she will, at no distant day, issue more stocks.

Most of the states which issue stocks employ agents to dispose of them beyond the states, and to pay the interest upon them. For instance, the Bank of America in New York acts as the agent of Kentucky, and the Ohio trust company in New York acts as the agent of Ohio. Such agents recommend the stocks to their various dealers, extol their value, introduce them into the stock market, and keep the public attention directed towards the stocks. To withstand the rivalry of other stocks which are puffed by hired scribblers and eulogists of

every sort, it is often requisite for agents to resort to counteracting expedients, which are both troublesome and costly. And the opinion is general among the capitalists of New York, that some banking agency beyond the limits of Virginia is indispensable to enable her to elevate her financial credit, and to make any advantageous disposition of her public stocks.

The New York bankers assert that no government can ever dispose of its public stocks at a proper value, without employing such agents and allowing them a considerable profit for raising and maintaining the credit of the government. And we cannot forget how very low many of the state stocks had fallen, until active and persevering efforts raised them to the proper point. Ohio and Pennsylvania stocks have sold as low as fifty cents in the dollar. Indiana and Illinois stocks have been lower still; and it was not until many expensive exertions had been made that the price of those stocks could be raised.

The marked difference in favor of the credit and confidence given to free states over slave states, may be fully seen and understood in the superior value of Ohio stocks when compared with Kentucky stocks, notwithstanding the debt and taxes of Ohio are much heavier than those of Kentucky.

The stocks purchased in New York are mostly bought to sell again and to go abroad; and purchasers, whether on foreign or domestic account, prefer to purchase the whole issue, even should it amount to millions, rather than merely a portion. And they object to purchase while the vendor retains a portion which may compete in the market with the vendor's schemes. When a buyer buys the whole, he can monopolize the market and regulate the prices of the stock, and sell or hold as prospects and circumstances may suggest.

The free banking statistics of sundry states enable a portion of our state stocks to be used at home as a basis to bank on. Hence, the New York state stocks command fair prices at home; and were free banks in general use in Virginia, a home market would be opened for the purchase of them. But such is not the case, and nothing has prevented a decline in the Virginia stocks but the little amount of them that has been thrown into market. These stocks have been mostly sold and held at home; and such of them as have gone abroad have been hoarded for permanent investment for family uses.

For several years past most of the state stocks which have gone from this country have been purchased on the continent of Europe. But in Belgium, Holland and France, where most of those stocks went, it is difficult to erase from the memories of the people a painful recollection of the manner in which they were treated by the United States bank and several of our sister states; and but for the active agency of the leading house of Hope & Co. at Amsterdam, very few of our stocks could have been vended in the European markets—and by proper and judicious management, perhaps Virginia stocks might find buyers in the same markets. But to effect this, a proper exposé of the financial condition of Virginia, of her income and resources, and her inviolable respect for the performance of her contracts should be fairly made.

I have reason to hope that the able and efficient secretary of the interior of the federal government, Mr. Stuart, will soon direct the sale of a large amount, say \$500,000 of state stocks placed at his disposal, and have the proceeds invested in the coupon bonds about to be issued by Virginia. That would give a credit and value to Virginia stocks which would enable them to rival any state stocks; and, by taking that amount of Virginia stocks out of the market, and hoarding them in the public treasury as stocks of permanent value, they would acquire a currency at home and abroad. It would be the weighty and decisive judgment of the federal government in their favor, and from which no distrust nor prejudice could appear. And if Mr. Stuart desires the thanks and applauses of his native state, he would be sure to receive them from every upright and patriotic citizen.

If all this shall be the early consequence of the agency which you have thought proper to create, it will fairly illustrate the wisdom of your course, and lead us to expect auspicious results from our further endeavors to elevate the credit of Virginia; and it would be no light feather in our caps to effect so desirable a public good to Virginia, and to do it at less cost and trouble to her than even the federal government has often incurred in the various efforts it has made to raise and maintain the national credit.

With great respect,

Your ob't servant,

WM. SELDEN.

His Excellency JOHN B. FLOYD,
Pres't of the Board of Public Works.

True copies.

W. R. DRINKARD.
Sec'y of the Board of Public Works.



[DOC. No. LXVII.]

INFORMATION

RELATIVE TO THE

ACTION OF THE BOARD OF PUBLIC WORKS

ON THE SUBJECT OF THE

CONTRACT WITH SELDEN, WITHERS & CO. ETC.

1852.

INFORMATION.

OFFICE OF THE BOARD OF PUBLIC WORKS,
April 20, 1862.

*To the Honorable the Speaker
Of the House of Delegates of Virginia.*

The Board of public works have received the following resolutions that were adopted by the house of delegates on the 17th inst :

1. "*Resolved*, That the Board of public works be requested to inform this house whether they have received from Selden, Withers & Co. any communication explanatory of that portion of their contract requiring said board to deposit in some proper bank in the city of Richmond, funds enough to pay the coupons at the places where payment may be demanded; and if so, that they be further requested to furnish a copy of said communication to this house. And that the said board also inform the house whether, in addition to the resolution forwarded by H. De Witt, any communication on that subject was made to their agent by telegraph, and the date of such communication, and the purpose of the same; and that the board communicate to this house the names of the members of the board who were present on the 9th of April 1851, at the time of its action in regard to coupon bonds; also the names of the members present on the 11th of April 1851, and those present on the 30th of April 1851, when the subject was further acted on; and how the said members respectively voted on each occasion.

2. "*Resolved*, That the Board of public works be requested to inform this house what was the amount of unpaid drafts upon their table previously to the issuing of the coupon bonds; what amount of funds was at the credit of the board at that time in the banks of this city, or elsewhere; what amount of sales of registered bonds, per month, was made about that time; what efforts, if any, were made by the board before the issuing of the coupon bonds to raise funds; what amount of debts, if any, they then owed to the banks of this commonwealth; what amount of advances, if any, were made the board by the bank of Selden, Withers & Co. previously to the issuing of the coupon bonds; what was the estimated and actual amount of calls upon the board for funds for the year 1851; and to furnish this house such further information, facts and papers in their possession as will tend to throw light upon the financial condition of the board in the spring of that year."

The Board beg leave respectfully to respond to the foregoing resolutions in the order in which they appear to have been adopted by the house of delegates.

Between the middle of September and the first of October in the last year, their secretary laid before them a letter which had been addressed to him by Messrs. Selden, Withers & Co., explanatory of that portion of the contract respecting the prompt payment of the coupons at all the places where said payment should be demanded, in which the unqualified declaration was made that the interpretation of that provision in the contract by those gentlemen was, that the only requisition that could or would be made upon the board, in the premises, was, that one month in advance of the time for the payment of the semi-annual interest, they should place to the credit of Selden, Withers & Co. in some bank in this city, specie funds enough to pay the precise amount called for by the coupons, and that any and all expenses incurred in transmitting those funds to the Northern cities, or to any other place, would be borne by Selden, Withers & Co.

The board regret to say that, by some accident, this letter has been mislaid; yet they are gratified to know that its necessary omission is fully supplied by the following communication of a more recent date:

EXCHANGE BANK, *Washington City*,
April 17, 1852.

DEAR SIR,

About the middle of September last we addressed a letter to you for the purpose of removing any doubt about the proper interpretation to be put upon that clause of the contract which we made with the Board of public works respecting the payment of the half-yearly interest on the Virginia coupon bonds. And we stated that we never designed, nor construed the contract to require the Board of public works to pay any expense whatever for the transfer of that interest from Richmond to any other point. But that, on the contrary, we expected, and the proper interpretation of the contract requires us, to pay ourselves, free of any cost to the state, every such expense. And we were a little surprised, after the written disclaimer we made, that any one should suppose that the state was liable for anything more than to place the money in the Richmond banks at the periods named in the contract.

While on this subject, we must express our regret that anything should have occurred to create dissatisfaction toward the Board of public works, on account of their contract with us; and if the legislature should think proper to ask our assent to any reasonable modification of that contract, it will afford us pleasure to respect their wishes. We wish to serve the state in any way we can.

Very respectfully, and truly,

Your obedient servants,
(Signed,)

SELDEN, WITHERS & CO.

WM. R. DRINKARD, Esq.

Secretary of the Board of P. W., Richmond, Va.

As further illustrative of the construction placed upon this contract by the parties, the board would state the fact that they have actually paid the semi-annual interest due upon the coupon bonds on the 1st of January last, by placing to the credit of Selden, Withers & Co. in the Farmers Bank of Virginia the special amount called for by the coupons that were redeemable on that day.

At the meeting of the board, which was held on the 11th of April 1851, after the passage of the resolutions substituted for those adopted on the 9th of the same month, it was suggested that as Mr. De Witt would not reach Washington until the afternoon of the 12th, and as, in the mean time, Gov. Floyd might act conclusively upon the resolutions of the 9th, it would be better, at once, to forward a telegraphic dispatch to the governor, apprising him that he would, on the next day, receive a communication on the subject of the loan. The suggestion was approved of by the board, and without the passage of any formal order directing him to do so, the secretary immediately sent the following dispatch to the telegraph office in this city :

*" To Hon. JOHN B. FLOYD, Gov. of Va.
National Hotel, Washington, D. C.*

You will receive a communication on the 12th inst., from the Board of public works, on the subject of the loan.

W. R. DRINKARD,
Secretary Board of Public Works."

At the time that this message was deposited in the telegraph office, the charge for its transmission, fifty cents, was paid. Upon examination in that office on the 19th inst., for the original paper, it was found by the operator, who returned it to this office endorsed as follows, and at the same time refunded the fifty cents :

" This message was not sent from this office, the line being out of order at the time it was left here.

TELEGRAPH OFFICE,
G. W. RADY.
Operator."

The uniform practice in this office, of making certified copies of the proceedings of the Board of public works, has been to prepare them precisely similar to those copies transmitted to your honorable body on the 13th inst., without stating the names of those members of the board who were present at any particular time ; but in obedience to the resolution to which the board are now responding, they most cheerfully make this exception, and state that on the 9th of April 1851, the members present were the governor, the treasurer and the register. On the 11th of April 1851, the members present were the treasurer, the auditor, the second auditor and the register. And on the 30th of April 1851, the members present were the governor, the treasurer, the auditor, the second auditor and the register.

In stating "how the said members respectively voted on each occasion," the board cannot speak with entire confidence, as it is a rare occurrence in the history of the proceedings of the board to have the votes of the individual members, on any particular subject recorded. On neither of the three occasions specified in the resolution, were the ayes and noes called for, and, therefore, the manner in which any member may have cast his vote, at either time, is purely a matter of recollection and not of record. But to prevent the possibility of any misapprehension of the motives which influence the board in giving this response to the call of the house, they will state that their recollection of those events which occurred twelve months since, leads them to believe that the resolutions of the 9th of April 1851, were adopted by an unanimous vote; that the resolutions of the 11th of April 1851, were sanctioned and voted for by all the members present except the treasurer, whose opposition was based upon the conviction that the negotiation should contemplate a loan of at least three millions of dollars; and that on the 30th of April 1851, the time that the contract was laid before the board, the auditor objected to it; the second auditor, believing a majority of the board to be in favor of its approval, declined stating his objections, and therefore, without taking any formal vote, the other members having expressed themselves as favorable to the contract, it was entered as approved.

In response to the second resolution, the board have to say—

That the first issue of coupon bonds was made on the 14th of July 1851, and that the unpaid drafts on the table of the board at that time amounted to \$365,140 77.

That the amount of funds at that time to the credit of the board in the banks here or elsewhere, was \$27,600 16.

That the (average) amount of sales of registered bonds per month about that time, was \$83,858.

That the amount of debts the board then owed to the banks of this commonwealth, was \$146,700.

That the amount of advances made to the board by Selden, Withers & Co. previously to the 14th July 1855, at which time coupon bonds to the amount of \$50,000 were issued, was \$118,000.

That between the 14th of July 1851 and the 1st of August 1851, the board issued additional coupon bonds to the amount of \$126,000, and that within the same time they received from Selden, Withers & Co. the additional amount of \$500,000—making the accounts between the respective parties during the month of July 1851, to stand thus:

| | |
|--|-----------|
| Delivered to Selden, Withers & Co., in coupon bonds, | \$176,000 |
| Received from Selden, Withers & Co., in cash, | 618,000 |

That the amount of the *estimated* calls upon the board for funds for the calendar year 1851, was \$2,133,217 71.

And the *actual* calls upon the board for funds for the same year, amounted to \$2,622,033 84.

"The financial condition of the board in the spring of that year" was not at all calculated to inspire the hopes of those whose "wish was father to the thought" that Virginia would soon behold the day when she was prepared to fulfill those contracts which her honored representatives had so recently made.

Unusually large, and, to some of the wise and pure of our citizens, alarming appropriations for purposes of internal improvement had just been made by the legislature. The sales of registered bonds in the second auditor's office, were rapidly diminishing, week by week and month by month. The banks in the city of Richmond had already made such extensive loans to the commonwealth proper, and to the Board of public works, as to materially curtail their other legitimate and more profitable operations, and to make a call for further accommodation tantamount to a distressing stoppage and drying up of the necessary springs of supply to the mercantile and agricultural interests of the whole state. The terms upon which the subscriptions of the state to works of internal improvement, of every variety of magnitude, were to be made *and paid* by the Board of public works, were fully complied with, and upon the presumption, that gave evidence of strong faith but miscalculated confidence, that the state would meet her engagements with equal promptness, heavy land damages were assessed, offices with large salaries were created, engineers and superintendents were employed, contractors with their hundreds of needy laborers were set to work, iron and engines and other costly equipments were purchased, and last but not least, *drafts* for amounts large and small were brought by almost every mail for payment by the board. But the board had not the means to meet those demands. The legislature that imposed this burden upon the board expected the board to bear it successfully and to come up to the emergency whatever it might be. A large amount of money was necessary, not to meet these expectations, but to meet those sterner demands for immediate payment which had been actually made.

Companies entitled to receive money from the Board of public works were positively driven to seek accommodations from the banks to relieve them from that repudiation which, without such accommodations, would have been inevitable. The board were helpless themselves; then, how were they to relieve others? And yet those others must be relieved, and that relief must come from the board, or else the state itself would be liable to the suspicion, if not the charge, of repudiation. This calamity the board determined, if it could be done by human effort, to avert. But it could not be derived from the limited means received from the sluggish and uncertain sales of registered bonds. Neither did they believe it could be done by a public advertisement of those bonds, because they had but too recently made that experiment in endeavoring to sell \$200,000 of those bonds of which, even at a period of very high elevation of that stock, they could sell only \$82,000, to make another effort, when the highest price that could be had for it, at the time, was par. Nor did they believe, from the experience of the past and the by no means inspiring circumstances by which they were then surrounded, that an advertisement of the coupon bonds, particularly as it was generally and publicly known that a very large amount, several millions of money, was and would be absolutely needed, would be calculated to attract responsible bidders for anything like the amount required, disposed to pay a better price than that for which the registered bonds were then being sold.

Besides, an advertisement by the Board of public works of this new form of stock, which had been introduced into Virginia amid such flattering hopes, and a failure to sell, would, in the estimation of the large capitalists beyond the state, have been the death-seal to that description of public security, and the financial condition of the board would have been even more forlorn than it really was. What, then, had the board to do? What could they do? The only thing, in their judgment, that could be done with any prospect of success commensurate with the magnitude of the interests confided to them and the demands upon them, was to select trusty, intelligent, responsible and popular agents—men of large experience and with a national reputation for financial skill and personal integrity—into whose hands, with proper guards and checks, to commit this negotiation. In other words, to let expert financiers, whose other qualities commended them as worthy of the trust, introduce those stocks into the market, and cultivate them with all those peculiar appliances so well understood in monetary transactions of large import, and so necessary to a corresponding success—thus relieving the state of Virginia of the necessity of auctioneering her own stocks, and, at the same time, enabling her to reap the substantial benefits of such an agency.

In obtaining the services of SELDEN, WITHERS & Co., the Board of public works are proud in the belief that they have secured such an agency. And that, notwithstanding the objections that some members of the board had to portions of the contract with those gentlemen, candor compels them, and they cheerfully avail themselves of the opportunity to say that, by means of that contract, in part, at least "the financial condition of the board" has become eminently prosperous, the credit of the state has been relieved from the painful suspicion that was fast gathering around it, and the board are in a condition, without detriment to others, to loan to the commonwealth the very means which are absolutely necessary to defray the present extraordinary expenses of government.

Respectfully submitted.

By order of the Board of public works.

W. R. DRINKARD,
Sec'y Board of Public Works.

[DOC. No. LXVIII.]

THE PETITION

OF A NUMBER OF

CITIZENS OF THIS COMMONWEALTH,

RESIDING IN DIFFERENT PARTS OF THE STATE,

RELATIVE TO THE

ASSESSMENT OF TAXES ON LICENSES.

1852.

PETITION.

*To the Members of the Senate and
House of Representatives of Virginia.*

The petition of the undersigned, merchants and traders of the commonwealth, and as such, a component part of the constituency which you represent, begs leave most respectfully to call your attention to the investigation of the following considerations, in arranging the provisions of the "Bill No. 291, to regulate the adjustment of taxes on licenses."

The constitution which you are convened to put into practical operation, has established (or is intended to establish) an equal and uniform system of domestic taxation, for the defrayal of the expense of an economically administered government, and for the completion and prosecution of such enterprises and improvements as will, in their progress and execution, tend to the promotion of the prosperity of agriculture, manufactures and commerce, and the development of the latent but rich mineral wealth with which Virginia so pre-eminently abounds.

As merchants and business men from different sections of the state, deeply interested in the adjustment and adoption of a system of revenue that will be equal and uniform in its operation, we announce in *advance* our cordial willingness to bear our full share of such a system. But it seems that at the very outset of your deliberations on this subject, various interests are proposed to be exempted from this *ad valorem* principle, and thereby of consequence increase the rate on those included, in order to produce the requisite amount of revenue.

We presume that it will be a conceded proposition, that the same subject ought only to be taxed (whatever be the rate) but once per annum. The 40th chapter of the Code of Virginia, to which the foregoing bill refers, says: "The taxes on the persons and subjects mentioned in the thirty-fifth chapter shall be *yearly*, as follows," &c.

We expect to *demonstrate*, first, that the bill under consideration, if carried into practical operation according to its provisions, subjects the same merchandize or the assets emanating therefrom, in the hands of the same owner, to more than one tax, or to a tax *disproportioned* to that on other subjects of taxation. And secondly, that the same merchandize or the assets emanating therefrom and evidencing its value, is in various actual and in many conceivable instances made to pay as often as the ownership changes in a given year, whilst on every other species of estate the owner on a fixed day only has to pay.

To establish the first proposition it is only necessary to advert to the fact that this bill graduates the license tax on the merchant's *annual sales*; and in this connection, to come to a satisfactory decision of what constitutes sales—Does an exchange of horses on the part of A and B constitute a sale?—Does the exchange of a taxable subject for an exempted one, or for a number of exempted ones, constitute sales?—Does the furnishing of merchandize in exchange for country produce, the delivery of each to be simultaneous, constitute a sale?—Does the furnishing of merchandize for the prospective delivery of agricultural products in payment, constitute sales, such as this bill predicates as its basis of license tax? The mercantile entry that would give expression to the transaction of simultaneous exchange, would be “Merchandize Dr. to Merchandize,” or “Barter Dr. to Merchandize;” and that which would give expression to the last supposed enquiry would be the same in substance, though at different dates. No one familiar with the import of mercantile entries would infer a *bona fide* sale in either case.

In a large majority of cases the country merchant purchases semi-annually, in the markets of his own or of other states, merchandize according to his means or the wants and demands of his customers; and in most instances one-half, and in many cases more than one-half of his merchandize is bartered for the agricultural productions of his customers, or other commodity, to be sold or bartered, again and again, for other and different commodities; but as the delivery of the merchandize is not generally simultaneous with the receipt of the produce, the customer has to be charged with the same at the agreed price, and credited with the produce on its delivery, and this when disposed of, either by sale or barter, is again charged; and thus the process goes on, and all these multiplied debits enter into and assume a fictitious appearance of sales, and are no more so than is the renewal of a note the payment of the debt. And besides, if his business is producing profits, he is made to pay a tax on his profits before they are realized, and if by sales he make bad debts, he is taxed on those as though they were good. Hence merchandize or the assets emanating therefrom, will be subjected, in the hands of the same owner, to a tax disproportionate to other subjects of taxation.

To establish the second proposition involves a simple, plain and practical examination of the disproportionate operation of this bill on the *manufacturers, wholesale and country merchants*, in contrast with the operation of taxation on other subjects. The manufacturers of Virginia, to ensure to them a merited success, require all the benefits that wise and sagacious legislation can afford, *consistently* with corresponding advantages to other interests, equally the legitimate objects of legislative protection and fostering care.

This bill, instead of being in any respect a *bonus*, is rather an incubus on our manufacturing interest, and consequently on our commercial and agricultural.

For demonstration and illustration, suppose A. B. to be a manufacturer of cotton, or of any other article, C. D. to be a wholesale merchant of expanded and expanding operations, E. F. & G. H.

wholesale merchants also, but of smaller operations; J. K. a wholesale merchant of Lynchburg, and L. M. a retail merchant of Buchanan. C. D. negotiates a purchase from A. B. of his manufactures to, say \$50,000; he makes the operation thus large, because A. B. can for so large a sale abate his price. C. D. divides off these manufactures with E. F. and G. H. at perhaps *cost price*, or a mere commission, to transfer from himself to others a portion of liability, and charges each with the amount taken. Either E. F. or G. H. sells a portion to J. K., who again sells them to L. M., and he re-sells them to his customers for consumption. Thus it is manifest that this article of Virginia manufacture, by the operation of the license tax, pays revenue in the hands or on the sales of C. D., E. F., J. K. & L. M., and as many more as may be concerned in its sale; and to this extent is detrimental to an interest second to none in Virginia, and on the prosperity of which others are greatly dependent, in order to make this *Old Commonwealth* what it ought to be.

These being the results which we honestly apprehend from the operation of this bill in its application to transactions purely domestic, and among our *own manufacturers, wholesale and country merchants*, we deem it incumbent on us, and the important interests involved in the subject, to propose to the calm consideration of your honorable body the following remedy for its adoption:

“On a license to a merchant or mercantile firm, when a specific tax is to be paid, twenty dollars,” and when the tax is in proportion to the “*invoices of purchases*, if they are under twenty-five hundred dollars, ten dollars; if twenty-five hundred and under five thousand dollars, fifteen dollars;” and thus, according to the clause on this subject on page 218 Code of Va., *exempting from such license tax so much of said invoices of purchases as shall have been made within Virginia*; and upon this graduation, with the proposed exceptions, we make no objection to the proposed addition of seventy-five per centum, or even one hundred per centum, if necessary, to produce an equal and uniform system.

We might elaborate this subject and go into a further discussion of its claims to the favorable consideration of your honorable body; but its reciprocally beneficial tendency seems so apparent, in begetting an increase of trade between our *wholesale merchants and manufacturers*, and of our *country merchants*, with our own eastern cities, prepared and extending their preparations for large and still larger supplies, that we deem it unnecessary to say more, than that in advocacy of its adoption, your petitioners most respectfully pray.

[DOC. No. LXIX.]

PROCEEDINGS

OF

THE BOARD OF PUBLIC WORKS

RELATIVE TO THE

STATE & INTERNAL IMPROVEMENT MAPS.

1852.

PROCEEDINGS.

At a meeting of the Board of public works, held on the 9th day of April 1852, a communication from C. Crozet, topographical engineer, dated the 5th instant, relative to "the present state of the operations preparatory to the republication of the map of the state of Virginia, and of the map of internal improvements," was laid before the board and considered: Whereupon, it was

Ordered, That a copy of the said communication be transmitted to each house of the general assembly, with a request that they will take the subject into early consideration, and adopt such measures for the government of the Board of public works in relation to the same as they may deem expedient.

A true copy from the minutes.

W. R. DRINKARD,
Secretary Board of Public Works.

The following is a copy of the communication referred to in the foregoing order:

ENGINEER'S OFFICE, April 5th, 1852.

To the Board of Public Works.

GENTLEMEN,

I have the honor to submit to your consideration the present state of the operations preparatory to the republication of the map of the state of Virginia and the map of internal improvements.

In my report on the subject, in November last, I mentioned the various valuable additions which had been made to the documents previously collected, and also the great difficulty of completing the state map, and reconciling surveys of counties and others, on account of the many and considerable discrepancies which exist between them. I repeated then my former suggestion that this could be effected, permanently and with certainty, only by astronomical observations of some fixed points, and designated particularly a few of them in the west, which I am sorry to report have not yet been obtained.

All has now been done that could be done in the existing state of things. The various surveys and plans, in the possession of the board, have been reduced to the proper scale, and can be put together at any

time; but it would be worse than lost labor to do so at this time, unless it was decided to publish the map immediately, which, with all its imperfections, would still be superior to the old map, now almost useless. If the drawings were now completed, with such documents as have been collected, and the publication were delayed, the inevitably great amount of future corrections would altogether deface the drawing, and the same operation would have to be gone over again. It had, therefore, better be postponed until measures are taken for immediate publication.

On this subject, I would remark that the executive has never been able to get the copperplates out of the hands of the engraver; and I doubt whether they are, at this time, worth any more than so much copper. The three eastern plates are altogether changed by the coast survey, as will appear on inspection; the three middle plates, by a great number of surveys and locations, and the three western plates, both by these and by the number of new counties; all of which requiring so many erasures, that the plates would be altogether destroyed. Their value is still farther lessened by the great improvement which has taken place in lithography since the publication of the state map. Very neat maps can now be executed on stone much more cheaply than on copper.

I have corresponded on the subject with copperplate engravers and lithographers. From the former, I obtained no positive information; from the latter, I have ascertained that the map could be engraved on stone for probably \$2,000.

The printing, paper, coloring and mounting about \$300 for

| | | | | | |
|--------------------------|---|---|---|---|-------|
| 100 copies, say for 500, | - | - | - | - | 1,500 |
|--------------------------|---|---|---|---|-------|

| | | | | | |
|----------------------------------|---|---|---|---|----------------|
| Total cost of first publication, | - | - | - | - | <u>\$3,500</u> |
|----------------------------------|---|---|---|---|----------------|

The cheapness of publication is particularly advisable so long as the documents used remain so imperfect.

Whether your honorable board will consider itself empowered to have this done without a special law, will depend on the interpretation of the 12th paragraph of the Code, page 58, which concludes with this clause, "and the said board shall cause the plates for the said map to be corrected and improved accordingly, before any further copies of the said map are published." The board have no plates in their possession, and even if they had, the old ones cannot be improved, and must be renewed.

Before closing what relates to the large map, I beg to call the attention of the board to the 11th paragraph of the same chapter, page 57 of the Code, which reads thus: "11. In every case in which it has not already been done under the act passed February the eleventh, eighteen hundred and forty-five, the clerk of the court of each county created since the 1st day of January eighteen hundred and twenty-four, shall transmit as soon as practicable to the Board of public works a copy of the report in relation to the boundary lines of such counties, returned to said court by the commissioners or surveyors upon whom it devolved to run the same, and also a copy of the plates,

notes and papers accompanying such reports. If no plat shall have been returned, the court shall cause one to be made, and a copy thereof returned to the Board of public works, and another copy recorded in the office of such court. For any copy returned to the said board under this section, it may make a reasonable compensation."

Many of those counties have returned no plat, and some of those returned are evidently incorrect, as it is impossible to adjust together the boundaries of adjacent counties which differ so much that no *compromise* can unite them. These imperfections communicate themselves to the old counties, which, having been curtailed by new ones, have now a shape which cannot be obtained by subtraction, especially when, as is generally the case, the interior of the old counties occupied by parts of new ones, was never laid down from actual survey, but by mere guess.

Some measure is needed to secure accurate surveys, particularly where the boundaries of counties are not arbitrary but natural and fixed topographical features.

MAP OF INTERNAL IMPROVEMENTS.

This map is progressing by the hands of Captain Kanalassi, and must soon be ready for printing, if the board judge proper to have it done. Here the same accuracy is not needed as in the large map, and it may be engraved at any time. New surveys and locations come in every day, and therefore the time for publishing cannot depend on entire completion, but merely on the pleasure of the board.

The engraving on stone, printing, &c. of 1000 copies, will cost from \$600 to \$800, according to the amount of work required.

I have so far, gentlemen, exercised under your authority a supervision over the operation of preparing the drawings for both maps. I do not believe that I can do any more good in this business. When it was first thought of, I recollected that once a perfect stranger myself, I had stood in need of friends, and I was prompted by my feelings to extend to another, in somewhat similar circumstances, the same kindness and assistance it had been my good fortune to receive. This was my chief motive to proffer my services in aid of Capt. Wm J. Vaisz. I had ascertained that he was competent to prepare the map; but unacquainted as he was with the state of Virginia and the various surveys and operations on which he must rely for the improvement of the map, I saw that my advice and direction would be indispensable in the beginning to enable him to discharge this duty. Now, however, both he and Capt. Kanalassi are well acquainted with what is requisite to complete either map, whenever your honorable board may please to have all the reduced surveys put together. I therefore beg respectfully to be discharged from any farther superintendence, which can no longer be materially useful, and which I cannot exercise properly without its interfering somewhat with my other duties.

I however cannot dismiss the subject altogether, without acknowledging the additional proof of your confidence in entrusting this business to my direction, and expressing my readiness to take any addi-

tional action in it for any specific purpose the board may direct, particularly in regard to the supervision of the engraving, if my services should be desired.

P. S. Duval of Philadelphia is, I believe, the most skillful lithographer in the country.

Very respectfully submitted.

(Signed,)

C. CROZET,
Topographical Engineer.

[DOC. No. LXX.]

BANK STATEMENTS.

APRIL 1852.

THE NEW YORK

THE NEW YORK

THE NEW YORK

EXECUTIVE DEPARTMENT,
April 27th, 1852.

To the General Assembly.

I have the honor to communicate herewith statements shewing the condition of some of the banks of this commonwealth on the 1st instant.

Very respectfully,

Your obedient serv't,

JOS. JOHNSON.

The first of these is the fact that the
 system is not a simple one. It is a
 complex one, and it is not possible to
 describe it in a simple way. It is a
 system of many parts, and it is not
 possible to describe it in a simple way.
 It is a system of many parts, and it is
 not possible to describe it in a simple
 way. It is a system of many parts, and
 it is not possible to describe it in a
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 many parts, and it is not possible to
 describe it in a simple way. It is a
 system of many parts, and it is not
 possible to describe it in a simple way.

CONDITION OF THE VIRGINIA BANK.

BANK OF VIRGINIA, *Richmond*,
14th April 1852.

SIR,

I transmit herewith, as required by law, the quarterly statement of the condition of the Bank of Virginia as it existed on the 1st instant.

I am, very respectfully, Sir,

Your obedient servant,

SAM'L MARX, *Cashier*.

To his Excellency JOSEPH JOHNSON,
Governor of Virginia.

General View of the Bank of Virginia and Branches on the

| | April 1, 1851. | April 1, 1852. |
|--|-----------------------|---------------------|
| Outstanding debt, - - - - | 4,794,539 66 | 4,813,556 14 |
| Loan to the commonwealth, - - - - | 50,000 00 | |
| State of Virginia—advances on stock, - - - - | 56,200 00 | |
| Real estate, - - - - | 169,289 38 | 170,453 13 |
| Sterling bills, - - - - | - | 1,929 09 |
| Stocks, - - - - | 141,620 00 | 138,244 00 |
| Specie, - - - - | 874,311 10 | 811,776 88 |
| Due from other banks, - - - - | 313,829 94 | 287,318 92 |
| Notes and checks on other banks, - - - - | 133,381 55 | 109,911 74 |
| Defalcation at Lynchburg, - - - - | 40,381 37 | 14,683 89 |
| Loss by robbery at Portsmouth, - - - - | - | 67,384 97 |
| | <u>\$6,573,553 00</u> | <u>6,415,318 76</u> |

Of the notes of other incorporated banks on hand, there are—
 payable in the state, - 85,092 74
 out of the state, - 24,819 00
\$109,911 74

Of the outstanding debt there is estimated as doubtful, - 51,930 80
 and as bad, - 7,977 16
\$59,907 96

Amount of exchange furnished by the bank and branches in checks on
 other states for the quarter ending 1st April 1852, - \$1,937,247 63

Amount that has accrued for premiums thereon, - \$6,289 82

1st day of April 1852, compared with the 1st day of April 1851.

| | April 1, 1851. | April 1, 1852. |
|---|-----------------------|---------------------|
| Capital stock, - - - - | 2,580,900 00 | 2,580,900 00 |
| Profit and loss, - - - - | 231,972 01 | 223,416 83 |
| Discounts, interest, &c. (less expenses,) - - - - | 72,089 09 | 71,747 35 |
| Circulation, - - - - | 2,237,995 83 | 2,017,858 83 |
| Due to other banks, - - - - | 237,016 30 | 213,526 00 |
| Deposit money, - - - - | 1,191,529 22 | 1,304,797 79 |
| Balances in transitu, - - - - | 22,050 55 | 3,071 96 |
| | \$6,573,553 00 | 6,415,318 76 |

Denomination of Notes in Circulation.

| | |
|---|------------------------------|
| Ones and twos, - - - - | 10,661 00 |
| Fives, - - - - | 304,985 00 |
| Tens, - - - - | 596,740 00 |
| Fifteens, - - - - | 19,170 00 |
| Twenties, - - - - | 606,210 00 |
| Fifties, - - - - | 231,650 00 |
| Hundreds, - - - - | 357,400 00 |
| Post notes, - - - - | 4,649 83 |
| | 2,131,465 83 |
| Deduct notes on hand of bank and branches and cut notes, - - - - | 113,607 00 |
| | <u>\$2,017,858 83</u> |

BANK OF VIRGINIA, April 13, 1862.

We, the undersigned, directors of the Bank of Virginia, do hereby certify that we have examined the foregoing statement, and believe the same to be truly and correctly made up from the returns of the bank and branches.

Given under our hands the date above written.

JAMES CASKIE,
ALFRED T. HARRIS,
JOHN WOMBLE,
THOS. R. PRICE,
RO. A. MAYO,
D. P. GOOCH.

STATE OF VIRGINIA—

City of Richmond, set :

This day, Samuel Marx, cashier of the Bank of Virginia, personally appeared before me, an alderman for said city, and made oath that the foregoing statement exhibits the true condition of the Bank of Virginia as it existed on the 1st instant, to the best of his knowledge and belief.

Given under my hand this 14th day of April 1862.

JAMES BRAY, J. P.

CONDITION OF THE FARMERS BANK.

FARMERS BANK OF VIRGINIA,
Richmond, April 19, 1852.

SIR,

I have the honor to enclose the statement of the condition of this bank for the quarter ending the 31st March last.

I am, with great respect,

Your obedient servant,

J. ADAMS SMITH, *Cash'r.*

To his Excellency JOSEPH JOHNSON,
Governor of Virginia.

Comparative State of the Farmers Bank of Virginia, including the

| | 1851. | 1852. |
|---|----------------------|-------------------|
| Debt outstanding, - - - - | 6033322 29 | 6086687 55 |
| Sterling bills, - - - - | 9390 45 | 8409 34 |
| Stocks, - - - - | 63578 59 | 62937 59 |
| Specie, - - - - | 862469 45 | 833094 31 |
| Notes and checks of other banks, - - - - | 296964 32 | 247690 58 |
| Balances due from other banks, - - - - | 290119 61 | |
| Real estate, - - - - | 203819 91 | 199059 31 |
| Loan to the commonwealth of Virginia, - - - - | 105200 00 | |
| | \$ 7864864 62 | 7442878 68 |

Branches, on the 1st day of April 1851 and the 1st day of April 1852.

| | 1851. | 1852. |
|--|----------------------|-------------------|
| Capital stock, - - - - - | 3000900 00 | 3000900 00 |
| Notes in circulation, - - - - - | 2869017 50 | 2387565 50 |
| Individual deposits, - - - - - | 1596083 95 | 1477558 32 |
| Surplus or reserved fund, - - - - - | 301853 26 | 318271 61 |
| Profits of the institution for the last quarter, - - - - - | 86269 81 | 93250 30 |
| In transitu between parent bank and branches, - - - - - | 10740 10 | 9223 55 |
| Due to other banks, - - - - - | - | 156109 34 |
| | \$ 7864864 62 | 7442878 62 |

FARMERS BANK OF VIRGINIA,
April 1852.

The undersigned, directors of the Farmers Bank of Virginia, certify that the foregoing statements have been examined, and are believed to be correct.

WM. H. MACFARLAND,
R. B. HAXALL,
THOMAS H. ELLIS,
JAMES BOSHER,
N. C. READ,
JOHN E. WADSWORTH,
BERNARD PEYTON.

STATE OF VIRGINIA,
City of Richmond, to wit:

John Adams Smith, cashier of the Farmers Bank of Virginia, this day personally appeared before me, a justice of the peace for the city aforesaid, and made oath that the annexed statements, made out from the books of the bank, and from the quarterly returns received from the branches, are correct, to the best of his knowledge and belief.

Given under my hand, this 19th day of April 1852.

P. D. BERNARD, J. P.

CONDITION OF BANK OF THE OLD DOMINION.

THE BANK OF THE OLD DOMINION,
Alexandria, April 16, 1852.

SIR,

I have the honor to enclose the quarterly statement ending the 1st instant, shewing the condition of this bank to that period.

Very respectfully,

Your ob't servant,

JAS. McKENZIE, *Cashier.*

To his Excellency JOSEPH JOHNSON,
Governor of Virginia, Richmond.

Statement of the Bank of the

| | | | | | |
|---|---|---|---|---|-----------|
| Bills and notes discounted, | - | - | - | - | 214803 23 |
| Virginia state stocks and guaranteed bonds, | - | - | - | - | 207900 00 |
| Alexandria corporation stock | - | - | - | - | 3700 00 |
| Banking house unfinished, | - | - | - | - | 8246 18 |
| Due from other banks, | - | - | - | - | 7427 78 |
| Notes of banks incorporated by this state, | - | - | - | - | 6762 32 |
| Notes of other banks, | - | - | - | - | 1075 00 |
| Expenses, cost of plates, engraving and current expenses, | - | - | - | - | 2972 21 |
| Specie, | - | - | - | - | 31168 32 |

\$ 484055 04

Deposited with the treasurer of the commonwealth, in state stocks and bonds, **\$ 200000 00**

Old Dominion, April 1st, 1852.

| | | | | | | | |
|--------------------------------|---|---|---|---|---|--------|----|
| Capital stock, | - | - | - | - | - | 235300 | 00 |
| Notes in circulation, | - | - | - | - | - | 155150 | 00 |
| Due to banks, | - | - | - | - | - | 17148 | 32 |
| Due to depositors, | - | - | - | - | - | 72259 | 53 |
| Discount and interest account, | - | - | - | - | - | 4009 | 01 |
| Exchange account, | - | - | - | - | - | 188 | 18 |

\$ 484055 04

JAS. McKENZIE, *Cashier.**Alexandria, Va., April 1, 1852.*

We have examined the above statement, and find it correct.

W. FOWLE, *President*,
LEWIS McKENZIE,
DAN'L F. HOOE,
J. J. WHEAT,
STEPH. SHINN,
WILLIAM N. McVEIGH,
R. H. MILLER,
W. G. CAZENOVE,
Directors.

Personally appeared before the subscriber, a justice of the peace for the county of Alexandria, James McKenzie, cashier of the Bank of the Old Dominion, and made oath in due form of law, that the above statement is just and true, to the best of his knowledge and belief.

Given under my hand and seal, this 14th day of April 1852.

PETER HEWETT, [Seal.]

CONDITION OF NORTHWESTERN BANK.

NORTHWESTERN BANK OF VIRGINIA,
Wheeling, April 22, 1862.

WM. H. RICHARDSON, Esq.
Sec'y of the Commonwealth.

DEAR SIR,

I enclose statement of the condition of the bank and branches on the 1st instant, with comparative statement for same period of last year.

Very respectfully,

D. LAMB, *Cashier.*

*Statement of the Condition of the Northwestern Bank of Virginia, including its
1852, with a Comparative Statement of the same for the*

| | April 1, 1852. | April 1, 1851. |
|---|-----------------------|---------------------|
| Bills discounted: domestic, - - - | 923,248 83 | 879,183 46 |
| foreign, - - - | 843,442 04 | 745,174 49 |
| Unpaid instalments on stock at Jeffersonville branch, - | 100 00 | 19,400 00 |
| Stock of this bank, - - - | 65,400 00 | 34,700 00 |
| Other stocks, - - - | 25,000 00 | 20,000 00 |
| Banking houses, - - - | 32,18 02 | 23,980 69 |
| Other real estate, - - - | 10,440 00 | 33,094 55 |
| Due by other banks and bankers, - | 178,102 62 | 286,866 99 |
| Notes of banks incorporated by the state of Virginia, - | 16,735 00 | 50,032 28 |
| Notes of other banks, including checks and certificates of deposit, - - - | 43,480 59 | 39,101 75 |
| Coin, - - - | 348,824 43 | 313,337 96 |
| Expense account, - - - | 3,787 05 | 3,910 96 |
| | \$2,490,742 58 | 2,448,787 12 |

Branches at Wellsburg, Parkersburg and Jeffersonville, on the 1st day of April corresponding period of the preceding year.

| | April 1, 1852. | April 1, 1851. |
|--|------------------------|---------------------|
| Capital stock, - - - - | 792,100 00 | 792,100 00 |
| Circulation, - - - - | 1,397,453 00 | 1,313,918 00 |
| Deposits, - - - - | 175,125 64 | 226,881 69 |
| Due to other banks and bankers, - - - - | 39,866 98 | 40,843 56 |
| Contingent fund, - - - - | 52,134 94 | 51,008 36 |
| Discount account, - - - - | 23,610 31 | 20,256 39 |
| Premiums and exchange, - - - - | 4,150 77 | 2,990 16 |
| Rent account, - - - - | - | 434 31 |
| In transit between parent bank and branches, - - - - | 6,300 94 | 354 65 |
| | \$ 2,490,742 58 | 2,448,787 12 |

Circulation.

| | April 1, 1852. | April 1, 1851. |
|-----------------------|-------------------|----------------|
| Ones, - - - - | 867 | 898 |
| Twos, - - - - | 326 | 350 |
| Fives, - - - - | 802130 | 685160 |
| Tens, - - - - | 371310 | 387180 |
| Twenties, - - - - | 163720 | 187180 |
| Fifties, - - - - | 59100 | 53150 |
| Total, - - - - | \$ 1397453 | 1313918 |

We certify the foregoing statement to be correct, to the best of our knowledge and belief.

H. CAMPBELL, *Pres't.*
THS. JOHNSTON, Jr.
E. POLLOCK,
R. CRANGLE,
JAS. PAULL,
JAS. H. STOUT,
LEWIS STEENROD,
Directors.

OHIO COUNTY, ss:

Before the subscriber, a justice of the peace for Ohio county in the state of Virginia, this day in my said county personally came Daniel Lamb, cashier of the Northwestern Bank of Virginia, and made oath in due form that the foregoing statement is correct, to the best of his knowledge and belief.

Given under my hand this 14th day of April 1862.

JAMES BAKER, J. P.

MANUFACTURERS AND FARMERS BANK.

Quarterly Statement of the Manufacturers and

| | | | | | |
|---|---|---|---|-----------|----------------------|
| Virginia bonds, | - | - | - | - | 150,000 00 |
| Premiums on same, | - | - | - | - | 3,000 00 |
| Banking house, | - | - | - | - | 5,782 75 |
| Expenses, | - | - | - | - | 1,764 64 |
| Postage, | - | - | - | - | 78 94 |
| Protest, | - | - | - | - | 9 65 |
| Bills discounted—Foreign, | - | - | - | 93,959 71 | |
| Domestic, | - | - | - | 54,841 96 | |
| | | | | | 148,801 67 |
| Due by banks and bankers, | - | - | - | - | 14,929 17 |
| Cash on hand—own notes mutilated, | - | - | - | 20 00 | |
| Bank notes, banks chartered by state of Va. | - | - | - | 10,185 00 | |
| Banks of other states, | - | - | - | 1,543 00 | |
| Gold, | - | - | - | 28,695 00 | |
| Silver, | - | - | - | 2,045 52 | |
| | | | | | 42,488 52 |
| | | | | | <u>\$ 366,855 34</u> |

Farmers Bank of Wheeling, April 1st, 1852.

| | | | | | | |
|--|---|---|---|---|---|------------|
| Capital stock, | - | - | - | - | - | 155,000 00 |
| Interest, - | - | - | - | - | - | 7,677 79 |
| Exchange, | - | - | - | - | - | 1,033 46 |
| Bills issued, | - | - | - | - | - | 150,000 00 |
| Due to other banks and bankers, | - | - | - | - | - | 8,974 56 |
| Due on certificates of deposit, | - | - | - | - | - | 18,093 00 |
| Due to individual depositors, | - | - | - | - | - | 25,122 06 |
| Due to John List, cashier, account partial payments on bills discounted, | - | - | - | - | - | 945 47 |
| Surplus cash, | - | - | - | - | - | 9 00 |

\$ 366,855 34

Signatures of Directors:

HUGH NICHOLS, Pr. P. T.
SAM'L S. KNOX,
JNO. McLURE, Jr.
ROBERT GIBSON,
JACOB THORNBROOK.

OHIO COUNTY,
State of Virginia, ss:

Personally appeared before me, James Baker, justice of the peace for the county of Ohio, state of Virginia, John List, cashier, and made oath that above statement is correct, to the best of his knowledge.

Given under my hand this second day of April 1852.

JAMES BAKER, J. P.

[DOC. No. LXXI.]

RESOLUTION

OF THE

COUNTY COURT OF WOOD

RELATIVE TO THE

STAUNTON AND PARKERSBURG ROAD.

1852.

RESOLUTION.

WOOD COUNTY COURT,
April Term 1852.

Resolved, That this court recommend to the legislature of Virginia, now in session, an immediate appropriation to the Staunton and Parkersburg road of twenty-five thousand dollars, it having been ascertained by the estimate of the superintendent, Mr. R. H. Kinney, and our own knowledge of the late high water, by observation and calculation, that that amount *at least* will be required to replace the bridges and repair the said road between this place and Weston in Lewis county, a distance of 84 miles, eight of the most important bridges having washed either entirely away or so injured that the rebuilding of the same is absolutely necessary to a free and unobstructed passage of the road, two of the eight being the two fine bridges across the two forks of Hughes' river—one of them utterly lost and broken up, and the other saved below the site of the bridge, though damaged severely, and many timbers requiring to be renewed and hauled back to the site, besides damages to the abutments which require rebuilding.

To refuse this appropriation we believe would cause a great loss to the state, as the tolls heretofore collected on the said 84 miles would in a few years repay the amount, otherwise they must be lost, for as the bridges and road now stand there is no possibility of its ever again becoming the great and indispensable convenience and public highway which it has heretofore proved itself to have been, and a great loss must ensue by leaving what damaged bridges there are now left, which might be made available (by being replaced) in the position which they now lie, and which, for want of funds to so replace them, must be entirely lost.

We understand that the superintendent has or will furnish the Board of public works with his estimate of damages, to which we respectfully refer as the basis of an appropriation.

Nothing but the welfare of this valuable and long improvement, and the welfare of the public at large, has suggested this resolution, believing that the court express the opinion of the public at large in this condensed form, more easily and promptly than getting up petitions for the same.

Ordered, That the clerk of this court forward immediately a copy of the above resolution to the delegate from this county, and request that the same be presented immediately to the house of delegates of Virginia.

A copy—Teste,

JNO. R. MURDOCH, C. W. C.

[DOC. No. LXXII.]

PREAMBLE AND RESOLUTIONS

OF THE

MEDICAL FACULTY OF VIRGINIA

RELATIVE TO A

STATE BOARD OF MEDICAL EXAMINERS.

1852.

PREAMBLE AND RESOLUTIONS.

The Medical faculty of the state of Virginia, in convention assembled, in the Athenæum building in the city of Richmond, unanimously adopted the following preamble and resolutions, and directed that copies of the same be sent to the speakers of the senate and house of delegates :

The present convention, composed of members of the Medical faculty from various portions of the commonwealth, being fully convinced of the truth of the declaration that the elevation of the standard of qualifications required of those to whom are committed the health and lives of the community, and the exclusion, from the practice, of the ignorant and the incompetent, would not only exalt their own profession, but in a corresponding degree protect society at large from the most grievous imposition and from irreparable injury : Therefore,

1. *Resolved*, That this convention heartily approve of the efforts which have been recently made in the state for the improvement of the medical profession, by a thorough organization of its members and otherwise.

2. *Resolved*, That we feel a deep interest in the prosperity of the State medical society, which has so efficiently carried out the recommendation of the former State medical convention in regard to the enrollment of members, and that we urge upon our brethren throughout the commonwealth to continue their efforts, by organizing local societies of like character in every county and corporation within its limits.

3. *Resolved*, That we concur fully with the recommendation of the American medical association, and with that of our former State medical convention held in this city in 1846, as to the propriety of separating the teaching from the licensing power, and that we approve and will sustain the memorial now before the legislature of the state, asking for the establishment of a state board of medical examiners.

[DOC. No. LXXIII.]

TABULAR STATEMENT

OF THE

NAMES AND SALARIES OF ALL OFFICERS & AGENTS

OF

JOINT STOCK COMPANIES, ETC.

IN WHICH THE STATE HAS AN INTEREST.

1852.

EXECUTIVE DEPARTMENT,
May 6, 1852.

To the House of Delegates.

I transmit herewith, as called for by resolution of the house on the 27th March last, "a tabular statement of the names and salaries of all the officers and agents of joint stock companies, of roads, canals, bridges and other institutions in which the state has an interest, including the different bank officers, &c."—compiled from returns received at this department up to this date.

Some time has necessarily been occupied in obtaining this information, and it may not yet be full and complete, but it seems best to communicate this without further delay. Anything further received will be communicated in a subsequent report.

Very respectfully,

Your ob't serv't,

JOS. JOHNSON.

TABULAR STATEMENT

Of Names and Salaries of Officers and Agents of Joint Stock Companies, of Roads, Canals, Bridges and other Institutions in which the State has an Interest, including the different Bank Officers.

| CORPORATION. | OFFICERS. | SALARIES. |
|---|--|--|
| Richmond and Danville railroad company. | Whitl P. Tunstall, president, - - | \$ 2000 per annum. |
| | A. F. D. Gifford, vice president, - - | No pay. |
| | P. Van Duersen, clerk and treasurer, - | \$1400 per annum. |
| | Andrew Talcott, chief engineer, - - | 3000 " |
| | John H. Osborne, superintendent, - - | 1500 " |
| | John Pennefather, secretary to chief engineer, - - | 750 " |
| | Benjamin M. Jones, assistant engineer, - | 130 per month. |
| | E. M. Richards and E. Kurth, assistant engineers, - - | 115 " |
| | J. L. McAlpine, Robert F. Haskins, Wm. A. Johnson, H. C. Derrick, R. Van Deusen and J. R. Randolph, subassistant engineers, - - | \$2 p. day, average. |
| | J. C. Stockling, freight clerk, - - | \$ 600 per annum. |
| | John S. Vaughan, ticket clerk, - - | 600 " |
| | Wm. H. Shields, overseer of hands, - - | 420 " |
| | A. F. D. Gifford and James C. Crane, directors on behalf of private stockholders; Vincent Witcher, Lewis E. Harvie and Jonathan B. Stovall, directors on behalf of the state, - - | 4 per day attendance at meetings of board, and 15 c. per mile travel on business of company. |
| | | \$ 2000 per annum. |
| | | \$ 4 per diem for actual service. |
| | | \$1500 per annum. |
| Virginia Central railroad company. | Edmund Fontaine, president, - - | |
| | Alexander Rives, Jefferson Kinney and William Overton, directors representing the Board of public works; David Anderson, jr. and Wm. I. Robertson, directors representing individual stockholders, - - | |
| | E. H. Gill, superintendent of transportation, - - | |
| | J. Garrett, treasurer, - - | 1500 " |
| | C. J. F. Netherland, clerk and ticket agent, Richmond, - - | 600 " |
| | Wm. A. Moody and Fred. Q. Swift, conductors of mail trains, - - | 480 " |
| | Stephen Hunter, principal depot agent, Richmond, - - | 800 " |
| | W. H. Allen, assist. do. do. do. | 650 " |
| | R. M.Sizer, do. do. do. | 420 " |
| | Ro. D. Tyler, do. do. do. | 400 " |
| | John E. Mallory, depot agt. Hanover C. H. | 300 " |
| | N. W. Harris, do. Frederickshall. | 300 " |
| | A. W. Tulley, do. Louisa C. H. | 300 " |
| | Jos. C. Talley, do. Trevilian's, - | 300 " |
| | R. F. Omohundro, do. Gordonsville, - | 300 " |
| | E. J. Timberlake, do. Shadwell, - | 300 " |
| | James Minor, do. Charlottesville, - | 300 " |
| | Wm. H. Cosby, do. Woodville. - | 300 " |
| | Wm. Spem, do. Beaverdam, - | 250 " |

| CORPORATION. | OFFICERS. | SALARIES. |
|--|--|---|
| Virginia Central railroad co. | Ashley J. Bill, depot agent, Cobham, - Wm. G. Richardson, H. G. Cross, J. B. Newman, overseers, each - | \$ 200 per annum. 300 " |
| Richmond and Petersburg railroad co. | Wirt Robinson, president, - John Williams, treasurer, - Thomas Dodamead, superintendent, - William Pannill, president, - | 1500 " 1500 " 1000 " 2000 " |
| Southside railroad co. | S. D. Watkins, clerk and treasurer, - F. Wright, superintendent transportation, - Wm. Long, freight and depot agent, - C. H. Wilson, (and 2 hands,) do. - F. A. Ford, do. do. - Pollard & Jones, do. do. - J. R. King, do. do. - R. R. Lee, do. do. - G. B. Allsup, sup't depot yard, cars, &c. - Geo. W. West, superintendent repairs, - John Humphries, overseer of division, - Richard Winfield, do. - Zachariah Smith, do. - W. N. Martin, do. - Nelson Griffin, do. - C. O. Sanford, chief engineer, - Wm. C. Randolph, ass't engineer, - Ro. C. Rodes, do. - E. G. Wall, do. - B. H. Gordon, do. - J. R. Mosse, do. - F. K. Marcel, do. - H. F. Bardwell, do. - N. W. Bolling, rodman, - L. Randolph, do. - B. F. Childrey, train captain, - J. W. Spires, do. - W. Kirkham, engineman, - J. J. Hopkins, do. - Reuben Andrews, do. - A. Fuhner, do. - Gen. O. G. Clay, president, - | 1000 " 1500 " 700 " 400 " 400 " 600 " 400 " 400 " 1000 " 750 " 400 " 400 " 400 " 500 " 3000 " 1200 " 1200 " 1200 " 1200 " 1200 " 1200 " 1200 " 1000 " 180 " 180 " 500 " 500 " 600 " 600 " 600 " 600 " 1500; traveling expenses paid. |
| Virginia and Tennessee railroad company. | Rob't Davis, John Robin McDaniel, Cha's H. Lynch, Thomas L. Preston, Joseph Wilson, directors, - Frs. G. Morrison, treasurer, - John R. Hughes, collector, Lynchburg and Campbell, - Thomas Jellis, depot agent, Lynchburg, - Alexander N. Montgomery, conductor, - Geo. M. L. Kinzer, do. - A. A. Claytor, collecting agent, Bedford; James C. Taylor, collecting agent, Montgomery, Puhski and Floyd; Robert C. Fox, collecting agent, Wythe; Wm. W. Hanson, collecting agent, Smyth; Wm. K. Heiskell, collecting agent, Washington; Samuel McCamant, collecting agent, Grayson; Armistead Neal, collecting agent, Roanoke, - | Allowed \$3 00 per day while in attendance upon the board, and 15 cts. per mile for every mile traveled to and from board. \$1000 per annum. 500 " 1000 " 500 " 400 " Allowed 2½ per ct on collections. |

| CORPORATION. | OFFICERS. | SALARIES. |
|--|---|--|
| Virginia and Tennessee railroad company. | Charles F. M. Garnett, chief engineer, - | \$ 3600 per annum. |
| | William S. Ellison, division engineer, - | 1200 " |
| | Montgomery Lynch, do. - | 1200 " |
| | James H. Buford, assistant engineer, - | 840 " |
| | Robert L. Owen, do. - | 840 " |
| | Walter Izard, do. - | 720 " |
| | Theodore Morens, do. - | 720 " |
| | Peter Copland, do. - | 720 " |
| | M. Green Peyton, do. - | 720 " |
| | Charles H. Dimmock, do. - | 720 " |
| | T. S. Mosby, do. - | 720 " |
| | C. V. Winfree, do. - | 720 " |
| | S. T. Pendleton, do. - | 720 " |
| | E. Winston, jr., rodman, - | 540 " |
| | Jas. M. Daniel, do. - | 540 " |
| | W. W. Woolfolk, do. - | 360 " |
| Roanoke valley railroad company. | David Shelton, president, - | 1000 " |
| | E. A. Williams, secretary and treasurer, - | 500 " |
| | E. A. Blanch, principal engineer, - | 1700 " |
| | James Bullock, assistant engineer, - | 30 per month, and board. |
| | William Carrington, rodman, - | 15 " |
| Orange and Alexandria railroad company. | John S. Barbour, jr., president, - | 1500 and traveling expenses. |
| | William L. Powell, Henry Daingerfield, directors on the part of the stockholders; Charles Hunton, Silas Burke, Philip B. Jones, directors on behalf of the state, - | 15 c. per mile for traveling to and from meetings of the board, and expenses whilst attending thereon. |
| | James H. Reid, clerk and treasurer, - | \$1100 and traveling expenses. |
| | Thomas C. Atkinson, chief engineer, - | 3000 " |
| | Rd. H. Middleton, general superintending engineer, - | 1000 " |
| | Edwin Robinson, president, - | 3000 " |
| | Thomas Sharp, superintendent transportation, - | 2500 " |
| | C. W. Macmurdo, treasurer and secretary, - | 1800 " |
| | Frs. J. Smith, freight clerk, - | 800 " |
| | Jas B. Winston, ticket clerk, - | 600 " |
| Richmond, Fredericksburg and Potomac railroad company. | M. W. Bailey, depot agent, Fredericksburg, - | 450 " |
| | Wm. F. Dabney, depot agent, Ginney, - | 270 " |
| | R. H. Hoome, depot agent, Milford, - | 270 " |
| | R. Turner, depot agent, Polecat, - | 245 " |
| | Charles Woolfolk, depot agent, Chesterfield, - | 270 " |
| | Jas. M. Taylor, depot agent, Taylorsville, - | 270 " |
| | Jno. L. Thompson, overseer of road, - | 420 " |
| | D. G. Bibb, do. - | 420 " |
| | Patrick Haden, do. - | 420 " |
| | Larkin Framham, do. - | 420 " |
| | Patrick H. Burruss, do. - | 420 " |
| | Irvin Smith, foreman machine shops, - | 900 " |
| | R. B. Marye, president, - | 700 " |
| | Jas. McGuire, secretary and treasurer, - | 250 " |
| | Wm. Mahone, chief engineer, - | 1200 " |
| | Thos. J. Shaw, assistant engineer, - | 739 " |
| | H. K. Nichols, resident engineer, - | 480 " |
| Fredericksb'rg and Valley plank road co. | Geo. Roberts, rodman, - | 365 " |

| CORPORATION. | OFFICERS. | SALARIES. |
|--|--|---|
| Boynton and Petersburg plank road company. | R. W. Field, president, - - - C. O. Sanford, engineer, - - - R. G. Rose, assistant engineer, - - - Rob't Field, clerk and treasurer, - - - D. M. Bernard, Wm. Baskerville, F. F. Jones, state directors. Wm. Townes, Wm. B. Price, company directors. | \$750 per annum. 1500 " 700 " 500 " |
| Berryville and Charlestown turnpike co. | How. F. Thornton, president. Francis McCormick, Alfred Castleman, Geo. W. Turner, directors for state. Thornton Pendleton, Rich'd S. Blackburn, directors for stockholders. Lawson Botts, treasurer, - - - James W. Brown, engineer, - - - | 100 per annum. 5 per day when employed. 100 per annum. No salary. |
| Wellsburg and Bethany turnpike company. | John West, gate-keeper, - - - Peter Curran, president, - - - John Miller, W. K. Pendleton, directors on part of private stockholders, - - - William Jones, Talbott Hammond, Baz'l Wells, state directors, - - - Joseph Gist, treasurer, - - - Benjamin Jacob, gate-keeper, - - - | " " " " " |
| Millboro' and Carr's creek turnpike co. | James F. Harper, president; Jacob M. Ruff, Alexander T. Sloan, W. G. White, Matthew White and Wm. C. Gilmore, directors, - - - | \$8 per month. No salary allowed, but sometimes received compensation for time employed. |
| Wellsburg and Washington turnpike co. | John Miller, president and state director, James W. Miller, Joseph Applegate, Thos. Grimes and Joseph Gist, directors, - - - John Hinkson, state director, - - - Joseph Applegate, superintendent, - - - William Jones, clerk, - - - John M. Wells, treasurer, - - - | No salary. " " \$20 per annum. 20 " Not fixed until first annual meeting. |
| Fallsbridge turnpike company. | Two gate-keepers at \$8 per month each, or Benjamin F. Mackall, president. O. M. Linthicum, W. S. Nicholls, John H. King, directors on the part of the stockholders, - - - | \$96 each per annum. Salaries not yet determined. |
| Fairfax turnpike co. | Wm. Swink, G. W. Hunter, jr., directors on the part of the state, - - - John H. King, treasurer, - - - Jas. Sherwood, superintendent of road, - - - William Hunton, president. Lewis Bailey, Francis A. Dickens, Richard M. Throckmorton and J. B. H. Smith, directors. Thomax Gunton, treasurer. | " \$20 per month. |
| Blue Ridge turnpike co. | John W. Robinson, toll-gate keeper, - - - President, - - - Treasurer and secretary, - - - Engineer, - - - Directors, - - - | 72 per annum. 450 " 350 " 700 " 2 per diem whilst in service. |
| Valley turnpike co. | John W. Rice, president, - - - John S. Calvert, secretary and treasurer, - - - Cyrus G. Purley, superintendent, - - - | \$400 per annum. 300 " 650 " |

| CORPORATION. | OFFICERS. | SALARIES. |
|--|---|---|
| Valley turnpike co. | John B. Breckenridge, Thomas Burkes, Wm. G. Stevens, Samuel C. Williams, (5th vacant,) state directors, - - | \$2 50 each while at- tending meetings of the board. |
| | Lloyd Logan, Jacob S. Danner, Rhesa Al- len, company directors, - - - | " |
| | Sixteen gate-keepers, - - - | \$5 to \$12 50 per month. |
| | Robert Grattan, state's proxy, - - - | \$2 50 per diem while attending meetings of the stockholders. |
| Charlestown and Har- per's Ferry turnpike company. | Francis Yates, president, - - - | No salary. |
| | Humphrey Kiger, treasurer and secretary, Elizabeth Eversole, toll-receiver, - - | \$ 50 per annum. |
| | Wm. Brotherton, do. - - - | 100 " |
| | J. J. Watkins, do. - - - | 100 " |
| | John Moler, director, - - - | 70 " |
| | | No salary, but al- lowed to pass thro' the gates free of charge. |
| | Andrew Kennedy, do. - - - | " |
| Lewisb'rg and Snicker's gap turnpike co. | Andrew Hunter, do. - - - | " |
| | David Howell, do. - - - | " |
| | Wm. F. Alexander, do. - - - | " |
| | Jonah Hatcher, president, - - - | \$ 75 per annum. |
| | John Janney, director, - - - | 10 " |
| | Jonah Sands, do. - - - | 10 " |
| | Thomas Rogers, do. - - - | 10 " |
| Middlebrook & Browns- burg turnpike co. | S. B. T. Caldwell, do. - - - | 10 " |
| | James McIlhany, do. - - - | 10 " |
| | A. Patterson, president, - - - | 300 " |
| | Preston T. Link, secretary, - - - | 100 " |
| | James A. F. Randolph, William S. Sproul, company directors, - - - | \$2 per day. |
| | Bolivar Christian, Samuel Wilson, Sam'l F. Jordan, state directors, - - - | 2 " |
| | Henry A. McCormick, state proxy, - - | No pay. |
| Pittsylvania and Lynch- burg turnpike co. | William A. Kuper, engineer, - - - | \$1500 per annum. |
| | Nuby Johnston, toll-gatherer, - - - | 140 " |
| | Howell Robinson, do. - - - | 125 " |
| | John Roach, do. - - - | 150 " |
| | Sam'l Nowlin, superintendent, - - - | 150 " |
| Lynchburg and Salem turnpike company. | F. S. Miller, secretary and treasurer, - | 4 per cent. on tolls received. |
| | Benjamin A. Donald, president, - - - | \$200 per annum. |
| | A. Tompkins, treasurer, - - - | 2 per cent. on am't received. |
| | Joseph C. Porter, overseer, - - - | \$250 per annum. |
| | Samuel Nowlin, superintendent, - - - | 300 " |
| | G. H. Edmunds, toll-gatherer, - - - | 250 " |
| | John Marsh, do. - - - | 150 " |
| Martinsburg and Poto- mac turnpike co. | Wm. Marsh, do. - - - | 150 " |
| | Jacob Reece, do. - - - | 150 " |
| | Henry Spickard, do. - - - | 150 " |
| | Daniel Burkhart, president, - - - | 50 " |
| | Charles Downs, James L. Cunningham, John H. Likens, directors on the part of the state, - - - | No salary. |
| | John C. Small, Henry Haines, directors on the part of the stockholders, - - - | " |
| | John H. Likens, treasurer and clerk, - - | " |
| | Robert Kane, gate-keeper, - - - | \$100 per annum. |

| CORPORATION. | OFFICERS. | SALARIES. |
|--|---|---|
| Staunton and J. river turnpike company. | James M. Garnett, president, - - | \$3 per day while in actual service. |
| | Jas. B. Trimble, director, - - - | " " |
| | Jno. McCue, do. - - - | " " |
| | T. O. Moon, do. - - - | " " |
| | Geo. W. Dillard, do. - - - | " " |
| | Wm. M. Wade, secretary, treasurer and superintendent, - - - | \$300 per annum. |
| | Wm. McCoy, Thomas W. Meeks, over- seers, - - - | 200 " |
| | Charles Grillet, toll-gatherer, - - | 85 " |
| | Nathaniel Garland, do. - - - | 150 " |
| | Nicholas M. Page, do. - - - | 125 " |
| | John Diddle, do. - - - | 120 " |
| | Eleanor Buster, do. - - - | 160 " |
| Martinsburg and Hamp- shire turnpike co. | Moses S. Grantham, president, - - | No pay. |
| | Samuel A. Pancost, Thomas Dawson, Ber- nard Cushman, directors on the part of the state, - - - | " |
| | Daniel Haines. Bethuel M. Kitchen, direc- tors on part of stockholders, - - | " |
| | Geo. H. McClure, proxy, - - - | " |
| | Engineer, - - - | For locating part of the road \$4 per day; for locating the rest \$3 pr day. |
| | | \$2 per day when engaged. |
| White and Salt Sulphur springs turnpike co. | Henry Alexander, president, - - | \$2 per day when engaged. |
| | Isaac Caruthers, Wm. Erskine, Benj. F. Steele, Augustus A. Chapman, Allen T. Caperton, directors, - - - | \$1 50 per day when engaged. |
| | John Hutchinson, clerk, - - - | \$2 per day when engaged. |
| | James H. Alexander, treasurer, - - | 1 per cent. on am't collected. |
| | Fielding Windle, Maubew Humphreys, toll-gatherers, - - - | 10 per cent. on am't collected. |
| | | |
| Wheeling, West Liberty and Bethany turnpike company. | J. W. Mitchell, president. | |
| | Dr. John English, - - - | \$10 per annum. |
| Warm Spring and Har- risonburg turnpike co. | Ed. H. Smith, president, - - - | \$18 75 rec'd during past year for ser- vices. |
| | Ro. M. Kyle, do. - - - | \$23 " |
| | Jno. A. Herring, do. - - - | 25 90 " |
| | Peter Heneberger, do. - - - | 8 " |
| | Wm. Guy, do. - - - | 16 72 " |
| | Sam'l Blackburn, do. - - - | 16 " |
| | M. Harvey Effinger, sec'y and treasurer, Web. McGlaughlin, Noah Harrold, Wm. Hogshead, Thos. Holt, collectors of tolls, Charles Tawcett, collector of tolls, - | 52 50 " |
| | | 50 " |
| | | 60 " |
| | Jas. K. Marshall, president. | |
| | Thos. M. Ambler, R. C. Ambler, Edward Templeman, directors on the part of the stockholders. | |
| Leeds' Manor turnpike company. | Isham Keith, John Ambler, directors on the part of commonwealth. | |
| | Wm. Blackwell, state proxy. | |
| | Ashton A. Marshall, sec'y and treasurer, - | 50 " |

| CORPORATION. | OFFICERS. | SALARIES. |
|--|--|---|
| Thornton's gap turnpike company. | A. P. Hill, president, - - - D. W. Botts, secretary and treasurer, - M. S. Lovett, engineer, - - - John Parks, James G. Broadus, Philip Thornton, state directors, - - - Wm. H. Browning, A. S. Manifee, directors for private stockholders, - - - | 200 per annum. 200 " \$5 per day while in service. \$1 50 " " |
| Howardsville and Rockfish turnpike co. | Wm. A. Scott, president, - - - D. J. Hartsook, treasurer, - - - Wm. A. Turner, secretary, - - - A. F. Cabell, J. B. McClelland, Joel Fortune, James Woods, directors, - - - N. J. Barnett, engineer and general agent, | \$75 per annum. 50 " " \$1 50 per day while actually employ'd. \$3 per day while actually employ'd. \$200 per annum. 100 " \$5 per day while actually employ'd. \$8 33½ per month. 5 00 " 40 per annum. |
| Sperryville and Rappahannock turnpike co. | John G. Lane, president, - - - Wm. J. Menefee, secretary and treasurer, M. S. Lovett, engineer, - - - Thomas H. Rollins, John Decharage, gate-keepers, - - - John F. Carter, gate-keeper, - - - Thomas Norman, permanent gate-keeper, James L. Walrond, president and director; F. Woltz, John Neville, Martin McFarlan, F. H. Mays, directors for stockholders; Paschal Buford, state proxy; John Luster, George W. Wilson, directors on the part of the state, - - - | \$200 per annum. 100 " \$5 per day while actually employ'd. \$8 33½ per month. 5 00 " 40 per annum. No salary. |
| Fincastle and Blue Ridge turnpike company. | Matthew W. Pettigrew, president; James McDowell, Joseph V. Carper, William Scott, state director; Oliver P. Gray, Andrew K. Crawford, directors for stockholders; Martin McFerrin, state proxy; William B. Carper, treasurer; Samuel Wrightman, secretary; Charles Aunsapugh, William G. Holloway, engineers; James M. Jones, Fletcher H. Mays, contractors, - - - | No salary. |
| Fincastle and Covington turnpike company. | Phineas Janney, president, - - - W. C. Page, treasurer, - - - Thomas Ayre, superintendent, - - - George Padgett, gate-keeper, - - - Thos. Baylies, do. - - - Sam'l Howard, do. - - - Sandford Taylor, do. - - - James Davis, do. - - - John Keene, do. - - - | No salary. \$100 per annum. 1½ per cent. on tolls collected. \$500 per annum. 350 " 225 " 225 " 225 " 225 " 300 " |
| Little river turnpike co. | Howard F. Thornton, president. Thornton P. Pendleton, director. Alfred Castleman, do. Francis McCormick, do. Richard S. Blackburn, do. George W. Turner, do. Lanson Botts, secretary and treasurer, - James M. Brown, engineer, - - - | No salary. \$100 per annum. \$5 per day when employed. Salary not fixed. No compensation. \$8 per annum. " No compensation. " |
| Berryville and Charlestown turnpike co. | George B. West, toll-gatherer, - - - James Campbell, president, - - - George G. Orr, treasurer, - - - James Ross, secretary, - - - James Patterson, director for com'wealth, George G. Orr, do. - - - | No compensation. No compensation. \$8 per annum. " No compensation. " |
| Holliday's Cove turnpike co. | | |

| CORPORATION. | OFFICERS. | SALARIES. |
|---|--|---|
| Holliday's Cove turnpike company. | Samuel Hindman, director for company, - James Gardner, do. - One vacancy. | No compensation. " " |
| Middle turnpike co. | Thomas Brandon, gate-keeper, - Cassius F. Lee, president and treasurer, - Mrs. Rebecca Cook, gate-keeper, - E. Hallenbeck, do. - Mrs. Frances Young, do. - | \$ 50 per annum. 100 " 75 " 75 " 75 " |
| Moorfield and North Branch turnpike co. | Daniel R. McNeill, president. John W. Moore, director. Wm. P. Stump, do. Wm. McCoy, do. Felix R. Seymour, do. Gabriel T. Barbee, do. Samuel H. Alexander, treasurer, - Nathaniel Kuykendall, superintendent, - William Baker, toll-gate-keeper, - Thomas McNeill, do. - | 1 per cent. \$ 300. \$ 5 per month. " " |
| | William Davis, do. - William Cherry, do. - | " " 10 per cent. com- mission. |
| | Joseph Ludwick, do. - Abraham Stickley, do. - Abraham Ketterman, do. - | " " " " " " |
| Leading creek and Buffalo creek turnpike co. | Enoch Minear, president; William Ewin, engineer and secretary; Francis D. Talbert, treasurer, - | Salary not fixed. No salary. |
| Snicker's gap turnpike co. | Francis McCormick, president, - James Castleman, director, - Samuel McCormick, do. - Jacob Nichols, do. - James Mount, do. - Joseph P. McGath, treasurer, - | " " " " " " " " " " \$ 45 37 rec'd last year. |
| | John N. Collier, gate-keeper, - John Leem, do. - John Weadon, do. - | \$120 per annum. 120 " 120 " |
| Moorfield and Alleghany turnpike co. | Thomas Maslin, president, - Abraham A. Inakeep, Solomon Michael, directors for stockholders, - David Van Meter, James S. Mills, Samuel Babb, directors for the state, - S. A. McMecken, treasurer, - Charles Lobbs, clerk, - James W. F. Allen, state's proxy, - | No salary. " " " " \$ 20 per annum. No salary. " " |
| Ashby's gap turnpike co. | Jos. Tally, president. H. B. Powell, director. Geo. Burwell, do. Dr. Robt. Randolph, do. Hugh Smith, do. Asa Rogers, treasurer, John Basil, Edward M. Baker, Rowland Osborn, Mrs. Ann Osborn, Henry Evans, gate-keepers, - | \$125 per annum. " " |
| Lewisburg and Blue Sulphur springs turnpike co. | John A. North, president; David S. Creigh, treasurer; George Lewis, W. T. Mann, directors for company; James Withrow, Mark L. Spotts, state directors, - | No salary. |
| Front Royal and Gaines' cross roads turnpike company. | Gate-keeper, office vacant. Robert Turner, president, - Marcus B. Buck, director. Sam'l B. Gardner, do. John B. Petty, do. James M. Barbee, do. | \$100 per annum. |

| CORPORATION. | OFFICERS. | SALARIES. |
|---|---|--|
| Front Royal and Gaines' cross roads turnpike company. | Addison Turner, director. N. M. Jacobs, secretary and treasurer, - Giles Cook, attorney for the board. Mahlon S. Lovett, - - - - John R. Hooper, James W. Day, Zachariah Dowden, gate-keepers, - - | \$125 last year—this year not fixed. \$ 5 per day when in actual service. \$50 each per annum. |
| Red and Blue Sulphur springs turnpike co. | Addison Dunlap, president; James M. Haynes, Col. Wm. Ellis, Col. James R. Hill, company directors; Col. Wilson Lemly, Jeremiah Tracy, state directors, Alexander Dunlap, treasurer and secretary, | \$ 1 per day when called together. \$ 1 per day as secretary when employed. \$150 per annum. 200 " 5 per day. 50 per annum. 75 " 72 " |
| Front Royal turnpike company. | R. S. McKay, president, - - - James W. Mason, treasurer, - - - Mahlon S. Lovett, engineer, - - - Gate-keeper, - - - - Joseph Stewart, do. - - - Gary Vaughan, do. - - - | \$150 per annum. 200 " 5 per day. 50 per annum. 75 " 72 " |
| Luray and Front Royal turnpike co. | Thomas F. Buck, president, - - - Wm. Miller, director of company, - - - Wm. F. Jones, do. do. - - - Gibson N. Roy, do. state, - - - Edw. W. Wood, do. do. - - - Peter Price, do. do. - - - Jos. A. Spengler, proxy. Thomas N. Ashby, treasurer, secretary and collector, - - - - M. S. Lovett, engineer, - - - - G. Kent, treasurer and clerk, - - - | 225 " \$1 50 per diem. 1 50 " 1 50 " 1 50 " \$ 300 per annum. 5 per day. 15 per annum as treasurer and \$15 per an'm as clerk. |
| Salem and Pepper's ferry turnpike co. | Eli Phlegar, president, - - - Charles B. Gardner, director, - - - Joseph Howard, do. - - - Jackson Godly, do. - - - Pleasant Howell, do. - - - James B. Headen, do. - - - Thomas Franklin, clerk and treasurer, - | No salary. " " " " " Paid according to services rendered. |
| Weston and Gauley bridge. | Ludwell H. Brown, - - - Felix Sutton, president, - - - Addison McLaughlin, director, - - - William E. Arnold, do. - - - John S. Camden, do. - - - John Brown, do. - - - Wm. D. Cottle, do. - - - George W. Jackson, superintendent, - John P. Byrne, treasurer and clerk, - | \$1000 per annum. 1 50 per day for time actually employed. " " " " " \$ 25 per month. 1/4 per cent. on am't collected. |
| Charleston and Point Pleasant turnpike co. | Nathan Smith, president; Robert Mitchell, agent, &c.; J. C. McFarland, treasurer, | No salaries—president is allowed his traveling expenses and the others a small compensation for services rendered. |

| CORPORATION. | OFFICERS. | SALARIES. |
|--|--|---|
| Brandonville, Kingwood and Evansville turnpike co. | Wm. G. Brown, president, - Israel Baldwin, director on part of company, - Wm. B. Zinn, do. do. - Harrison Hagans, do. do. - Samuel Byrne, do. do. - Elisha M. Hagans, do. do. - Thomas Scott, treasurer, - - - Israel Baldwin, secretary, - - - | No salary. " " " " " " |
| Kingwood and West Union turnpike co. | David C. Miles, president, - Guy R. C. Allen, director for company, - Elisha M. Hagans, do. do. - Buckner Fairfax, do. do. - Wm. H. Grimes, do. do. - John P. Byrue, do. do. - John A. F. Martin, treasurer, - - - Henry Hartzman, secretary, - - - | " " " " " " " |
| Clarksburg and Phillippi turnpike co. | Charles Lewis, president, - Caleb Buggess, jr., clerk and treasurer, - Hanson L. Hoff, superintendent, - James Dever, Lair D. Morrall, John Stealy, directors on the part of state; William C. Trimble, Alpheus Zinn, directors for stockholders, - - - | \$37 50 per annum. 125 " 75 " \$2 per day while they sit in a meeting of the board. |
| Hedgesville and Potomac turnpike co. | Allen C. Hammond, president, - Daniel Lafever, director, - - - Robt. V. Snodgrass, do. - - - Engineer, - - - | No salary. " \$4 per diem. |
| Melborough and Kerr's creek turnpike co. | James F. Harper, president; William C. Gilmore, Matthew White, state directors; William White, Alex. T. Sloan, Jacob M. Ruff, company directors, - - - Robert Montgomery, toll-gatherer, - Jacob M. Ruff, treasurer and secretary, - | \$2 per day allowed while in service of the company. 15 per cent. on amt of tolls collected. 3 per cent. on net amount of tolls. |
| Gilmer, Ripley and Ohio turnpike co. | George Smith, president; — Woodruff, Abraham Bowman, directors, - - - John Write, treasurer, - - - F. W. Smith, secretary, - - - — Dickinson, engineer, - - - S. L. Hays, do. - - - | \$1 per day when employed. Nothing. \$2 per day while the board is sitting, and an allowance for extra writing. \$5 per mile. 6 " |
| Russell and Washington turnpike co. | Aaron Hendrick, president, - James P. Carroll, secretary, - Thomas C. M. Alderson, treasurer, - Henry D. Smith, James P. Carroll, Abraham Fuller, John T. Smith, Rob't Boyd, directors for the company. Thomas L. Preston, Whittey Fuller, Isaac Vermillion, directors for the state. George Cowan, proxy for the state. Henry D. Smith, superintendent, - | No allowance made. " " " \$1 50 per day while employed. |
| New Manchester turnpike co. | Johnathan Allison, president, - Alexander Morrow, director, - John Muhew, do. - Jos. Cameron, do. - Wm. Bigham, do. - | \$75 per annum. 25 " 25 " 15 " 15 " |

| CORPORATION. | OFFICERS. | SALARIES. |
|--|---|--|
| New Manchester turnpike co. | T. J. Hewitt, director, - - - E. Langfitt, do. - - - A. R. McCown, treasurer, - - - Thomas W. J. Long, clerk, - - - | \$10 per annum. 10 " 20 " 20 " |
| Rich Patch turnpike co. | S. C. Robinson, Edward Jordon, Charlton Shirkey, William Bennet, Jesse Umfries, directors; Wm. M. Montague, secretary; D. B. Layne, treasurer, - - - | No pay. |
| Weston and Fairmont turnpike co. | Gideon D. Camden, president; Benjamin Bassell, jr., Solomon S. Fleming, Blackwell Jackson, Jno. J. Moore, E. Boyston, directors, - - - | About \$5 per annum for attending meetings of the board. |
| | Thomas G. Watson, treasurer, - - - | 3 per cent. on am't received. |
| | Solomon S. Fleming, superintendent, - | \$60 per annum. |
| | Joseph Guisean, do. - - - | 60 " |
| | Thos. L. Moore, clerk, - - - | 25 " |
| Sistersville and Salem turnpike co. | William J. McCoy, president, - - - Eli Wells, director, - - - Samuel McMillen, Absalom George, directors, - - - | No pay. " \$3 each for every meeting of the board. |
| | Josiah Boyer, John Yeck, directors, - | No pay. |
| | Richard P. M. Reynolds, engineer, - | \$1 50 per day and expenses. |
| | David D. Davis, superintendent, - - - | " " |
| | William S. Russell, clerk, - - - | Compensation not fixed yet. |
| | Archibald Thistle, treasurer, - - - | No pay. |
| | Arthur Aukson, state proxy, - - - | " |
| Pittsylvania, Franklin and Botetourt turnpike company. | John S. Hale, president; William R. Radford, Jacob Naffe, Peter Sanders, Andrew S. Brooks, Hugh Nelson, directors, Bedford Murphy, toll-gatherer, Charles S. Kirkwood, - - - | No salary. \$120 per annum. 15 per cent. on tolls received. |
| | Lafayette P. Swain, - - - | " " |
| | Lewis Howell, - - - | " " |
| West Milford and New Salem turnpike co. | A. M. Austin, president. E. W. Patton, superintendent, - - - R. Jackson, clerk and treasurer, - - - | \$200 per annum. 300 " |
| Kingwood and W. U. turnpike co. | David C. Mills, president. Gen'l Buckner Fairfax, superintendent, - | \$1 per day for services rendered. |
| Estillville turnpike co. | Ezekiel K. Herren, president. Hezekiah P. Neil, Joshua Speer, Smith H. Morrison, directors for state; Lewis B. Dulany, William H. Morrison, directors for company, - - - | \$2 per day. |
| | T. McIver, state proxy. Henry A. Morrison, county proxy. Smith H. Morrison, treasurer. | |
| Giles, Fayette and Kanawha turnpike co. | James M. Byrnside, president, - - - William Adair, George H. Peck, state directors; Alexander Dunlap, Thomas J. Burtre, company directors, - - - John H. Vawter, secretary and treasurer, | \$50 per annum. \$2 per day. \$2 per day as secretary; as treasurer 2 1/2 per cent. on am't disburs'd. |

| CORPORATION. | OFFICERS. | SALARIES. |
|----------------------------------|--|---|
| Shinston turnpike co. | James S. Griffin, president; Jacob H. Fontney, Geo. B. Harter, John W. Stout, Felix R. Coffman, Jesse J. Allen, directors, - - - | \$1 per day when employed in the service of the board. |
| | F. Y. Horner, treasurer, - - - | \$100 per annum. |
| | James A. Raby, superintendent, - - - | \$100 " |
| | M. J. Orr, clerk, - - - | \$25 " |
| Cheat river toll-bridge company. | Wm. G. Brown, president, - - - | No salary. |
| | John S. Murdock, director for company, - - - | " |
| | James C. McGrew, do. - - - | " |
| | Israel Baldwin, do. - - - | " |
| | Elisha M. Hagans, do. - - - | " |
| | Gustavus Cresap, do. - - - | " |
| | Thomas Brown, treasurer, - - - | " |
| | John J. Brown, secretary, - - - | " |
| Potomac bridge co. | Jonas P. Schooly, president, - - - | Salary for the present year not fixed—past year \$150. |
| | Samuel C. Luckell, sec'y and treasurer, - - - | \$100 per annum—as treasurer \$150. |
| | Jonas P. Schooly, Charles Williams, Wilson C. Sanders, directors for state; Geo. Marlow, Nathan Walker, John Souden, William H. Smith, directors for private stockholders, - - - | \$2 per day while on duty. |
| | William Williams, Walker Y. Page, Philip McLaughlin, investigating committee, - - - | " |
| | Sanford J. Ramey, state proxy. | |
| North Branch bridge co. | James Allen, president. | |
| | Jacob Grace, treasurer, - - - | \$80 allowed for services. |
| | Lewis T. Dunn, secretary, - - - | \$25 " |
| Virginia and Maryland bridge co. | Edmund C. Lee, president, - - - | \$25 per annum. |
| | John M. Jewett, secretary, - - - | \$25 " |
| | Vincent M. Butler, treasurer, - - - | 25 " |
| | George Entler, toll-gatherer, - - - | \$150 per annum. and a house. |
| Cartersville bridge co. | Mayo B. Carrington, president, - - - | Comp'y insolvent. |
| James river and Kanawha co. | John Y. Mason, president, - - - | \$3000 per annum. |
| | Thomas M. Bondurant, Samuel McCorkle, William P. Munford, Joseph R. Anderson, Lewis D. Crenshaw, directors, - - - | P'd \$4 per diem for attendance, and 15 cents per mile for mileage. |
| | Walter Gwynn, chief engineer, - - - | \$3500 and traveling expenses paid. |
| | David S. Walton, principal ass't engineer, - - - | \$1800 per annum. |
| | Edward Lorraine, assistant do. - - - | 1500 " |
| | Charles R. Barney, do. do. - - - | Temporarily employed at \$100 pr. month. |
| | Wm. P. Munford, secretary, - - - | \$1500 per annum. |
| | B. E. Poitiaux, book keeper, - - - | 900 " |
| | Jas. R. Chamberlayne, clerk, - - - | 500 " |
| | Elias L. Chinn, superintendent of repairs 1st division, - - - | 1500 " |
| | Smith A. Thorp, master carpenter, - - - | traveling expenses paid. 675 per annum. |

| CORPORATION. | OFFICERS. | SALARIES. |
|-----------------------------|--|----------------|
| James river and Kanawha co. | Smith Bosworth, master carpenter, - | 650 per annum. |
| | Samuel Mahoney, master mason, - | 700 " |
| | Jesse Snead, toll-gatherer at Richmond, - | 1800 " |
| | James A. Goddin, toll-gatherer's clerk, do. | 800 " |
| | Robert Snead, do. | 300 " |
| | Thomas McKinney, toll-gatherer at Lynchburg, - | 800 " |
| | Robert McKinney, toll-gatherer's clerk at Lynchburg, - | 400 " |
| | A. W. Millsbaugh, inspector of boats at Richmond, - | 1000 " |
| | Henry L. Reed, inspector of boats at Scottsville, - | 600 " |
| | Wm. R. Richardson, patrol on lower level, - | 200 " |
| | Ro. C. Nicholas, ferryman at New Canton, - | 275 " |
| | Wm. H. Matthews, do. Hardwicksville, - | 200 " |
| | Mayo Cabell, do. New Market, - | 125 " |
| | Littleberry Tyree, do. Bent Creek, - | 250 " |
| | W. F. Cleveland, overseer, - | 250 " |
| | James M. Stratton, do. - | 250 " |
| | Thomas T. Emett, do. - | 250 " |
| | James Gooding, do. - | 250 " |
| | John W. Wills, do. - | 250 " |
| | Nathaniel Mayo, do. - | 250 " |
| | Duncan Grant, superintendent of masonry at Maiden's Adventure dam, - | 900 " |
| | Thomas J. Hopkins, lock-keeper, - | 600 " |
| | P. J. Tibbs, do. - | 225 " |
| | J. B. Tibbs, do. - | 250 " |
| | T. J. Tibbs, do. - | 200 " |
| | Nathaniel Mayo, do. - | 150 " |
| | S. C. Tillman, do. - | 240 " |
| | W. W. Pace, do. - | 200 " |
| | William Tibbs, do. - | 150 " |
| | E. Mosby, do. - | 150 " |
| | Abner Hicks, do. - | 150 " |
| | Joseph Clements, do. - | 250 " |
| | Wm. S. Fowler, do. - | 150 " |
| | Joas W. Griffin, do. - | 150 " |
| | Harris Clements, do. - | 150 " |
| | A. Phillpots, do. - | 150 " |
| | N. C. Denton, do. - | 150 " |
| | S. S. Bugg, do. - | 150 " |
| | D. Nixon, do. - | 150 " |
| | Geo. W. Taylor, do. - | 150 " |
| | Joseph Mosby, do. - | 150 " |
| | J. N. Kidd, do. - | 150 " |
| | G. Thomas, do. - | 150 " |
| | David Johnson, do. - | 150 " |
| | Francis West, do. - | 150 " |
| | Mrs. S. A. Viar, do. - | 150 " |
| | N. Robertson, do. - | 150 " |
| | Thomas T. Emett, do. - | 150 " |
| | Daniel Scruggs, do. - | 150 " |
| | James A. Matthews, do. - | 150 " |
| | T. N. Matthews, do. - | 150 " |
| | James Gooding, do. - | 150 " |
| | G. W. Matthews, do. - | 150 " |
| | James Ammonett, do. - | 150 " |
| | J. H. Kitchen, do. - | 150 " |
| | Allen McFadden, do. - | 150 " |
| | John Berry, do. - | 150 " |
| | Nelson Scruggs, do. - | 150 " |
| | James Knight, do. - | 150 " |
| | Smith Bosworth, do. - | 150 " |

| CORPORATION. | OFFICERS. | SALARIES. |
|-----------------------------|--|-------------------------------|
| James river and Kanawha co. | Geo. H. Wingfield, lock-keeper, - - | \$ 150 per annum. |
| | A. Phelps, do. - - | 150 " |
| | James Maxwell, do. - - | 150 " |
| | G. W. Clarke, do. - - | 150 " |
| | I. H. Cash, do. - - | 150 " |
| | Thomas Dow, do. - - | 150 " |
| | James Phelps, do. - - | 300 " |
| | J. W. Wills, do. - - | 150 " |
| | J. W. Smith, do. - - | 150 " |
| | J. T. Phelps, do. - - | 150 " |
| | J. H. Briggs, do. - - | 300 " |
| | John West, do. - - | 300 " |
| | Walter G. Turpin, sup't of repairs 2d division, - - | 1000 " |
| | Andrew C. Houston, inspector of boats at North river gauge dock, - - | 400 " |
| | James B. Moelick, agent Blue Ridge turn-pike and ferry, - - | 450 " |
| | Alph'so Tinney, toll-gatherer at Buchanan, - - | 600 " |
| | Dennis McCarthy, overseer, - - | 400 " |
| | Joseph Brooks, lock-keeper, - - | 180 " |
| | Henry Needham, do. - - | 180 " |
| | Thomas Murphy, do. - - | 150 " |
| | Richard Woody, do. - - | 150 " |
| | John Eubank, do. - - | 180 " |
| | E. P. Lune, do. - - | 180 " |
| | H. N. Carroll, do. - - | 150 " |
| | Richard Freeman, do. - - | 240 " |
| | Joseph Wright, do. - - | 150 " |
| | Jacob Eckhard, do. - - | 150 " |
| | S. G. Bullard, do. - - | 180 " |
| | M. Reynolds, do. - - | 330 " |
| | Wm. Lune, do. - - | 150 " |
| | W. Tyree, do. - - | 180 " |
| | Wm. H. Kidd, do. - - | 150 " |
| | B. J. Moelick, do. - - | 150 " |
| | Wm. Mitchell, do. - - | 150 " |
| | John Gardner, do. - - | 150 " |
| | Wm. Bryant, do. - - | 150 " |
| | Wm. Carroll, do. - - | 150 " |
| | G. W. Spooner, do. - - | 150 " |
| | A. N. Matthews, do. - - | 150 " |
| | Ready Cush, do. - - | 180 " |
| | R. Bradshaw, do. - - | 180 " |
| | Henry Williams, do. - - | 180 " |
| | Samuel Hearn, do. - - | 150 " |
| | B. K. Rice, do. - - | 300 " |
| | Charles Brown, do. - - | 180 " |
| | Wm. Kirkwood, do. - - | 150 " |
| | Richard Shaw, do. - - | 150 " |
| | Hugh Brafford, do. - - | 300 " |
| | James Garrison, do. - - | 150 " |
| | G. W. Crawford, do. - - | 150 " |
| | Francis Mahoney, sup't masonry T. W. C. - - | 1000 " |
| | Elhu Henry, overseer T. W. C. - - | 300 " |
| | Ezra Walker, agent on Western improvements, - - | 1200 " |
| | W. J. Rand, collector of tolls on Kanawha river, - - | 1000 " |
| | G. W. Dickson, gate-keeper Kan'ha road, - - | 9 per cent. on amt collected. |
| | Sarah Branham, do. - - | " " |
| | Jesse Mays, do. - - | " " |
| | F. Hickman, do. - - | " " |
| | Geo. Alderson, do. - - | " " |

| CORPORATION. | OFFICERS. | SALARIES. |
|-------------------------------|--|---|
| James river and Kanawha co. | James H. Miller, gate-keeper Kan'ha road, | 9 per cent. on amt't collected. |
| | Morris Hansford, do. - - | " " |
| | Samuel Watson, do. - - | " " |
| | B. F. Porter, do. - - | " " |
| | M. S. Morris, do. - - | " " |
| | Adam Black, do. - - | " " |
| | John Duton, do. - - | " " |
| Chesapeake and Ohio canal co. | Samuel Sprigg, president, - - | \$2000 per annum. |
| | William A. Bradley, John Pickett, William Cost Johnson, George Schley, Samuel P. Smith, Henry Daingerfield, directors, | \$4 per day while attending. |
| | Walter S. Ringgold, chief clerk, - - | \$1400 per annum. |
| | L. J. Bringle, treasurer, - - | 1400 " |
| | Charles B. Fisk, chief engineer and general superintendent of the canal, - - | 3500 " |
| | W. H. Bryan, collector of tolls at Georgetown, - - | 1000 " |
| | Elie Stake, collector of tolls at Williamsport, - - | \$300 per annum. |
| | Arthur Blackwell, collector of tolls at Hancock, - - | 300 " |
| | Reuben Worthington, collector of tolls at Cumberland, - - | 600 " |
| | William S. Elgin, collector of tolls at Harper's Ferry, - - | 100 " |
| | John Page, inspector of cargoes at Georgetown, - - | 300 " |
| | O. H. W. Stull, inspector of cargoes at Cumberland, - - | 300 " |
| | John Lambie, sup't Georgetown division, - - | 900 " |
| | William S. Elgin, sup't Menocacy do. - - | 900 " |
| | Levin Benton, do. Antietam do. - - | 900 " |
| | John G. Stone, do. Williamsport, - - | 900 " |
| | Overton G. Lowe, do. Hancock, - - | 900 " |
| | Henry M. Dungan, do. Cumberland, - - | 900 " |
| Dismal Swamp canal co. | James Cornick, president, - - | 750 " |
| | Le Roy G. Edward, toll-collector, - - | 750 " |
| | Arthur J. Herbert, manager, - - | 600 " |
| | A. Feret, treasurer, - - | 200 " |
| | Logan Hurst, assistant toll-collector - - | 250 " |
| | Henry Williams, keeper North outfall lock, - - | 300 " |
| | J. Hendly, do. South do. lock, - - | 300 " |
| | J. Poiner, do. outfall lock North-west canal, - - | 180 " |
| | Jno. McPherson, keeper Northwest lock, - - | 180 " |
| | Henry Lynch, do. Culpeper, do. - - | 180 " |
| | S. W. Herbert, do. Gilmerton, do. - - | 240 " |
| | I. Hodges, do. Lake Drummond, - - | 168 " |
| | I. Platt, keeper Tazewell lock Northwest canal, - - | 144 " |
| | I. H. Wilkins, keeper gauge sill at S. end canal, - - | 180 " |
| | I. Rhodes, assistant lock-keeper South lock, - - | 120 " |
| | Tim, do. do. North end, - - | 120 " |
| | H. Martin, do. do. Gilmerton, - - | 108 " |
| | M. Sykes, keeper culvert Northwest canal, - - | 30 " |
| Alexandria canal co. | Joseph Faches, president, - - | 300 " |
| | Anthony P. Gover, William Gregory, Jas. Green, Henry Daingerfield, William L. Powell; one vacancy, - - | Nothing. |
| | Sam'l H. Williams, engineer, - - | No fixed salary; paid as his services are requir'd. |

| CORPORATION. | OFFICERS. | SALARIES. |
|---------------------------------|---|---|
| Alexandria canal co. | Reuben Johnston, clerk, - - - | \$ 200 per annum. |
| | Washington C. Page, treasurer, - - - | 50 " |
| Hazel river navigation company. | Wm. B. Chew, sup't upper division, - - - | 450 " |
| | Patrick Gallaher, sup't lower division, collector of tolls and lock-keeper, - - - | 450 " |
| | George Ficklin, president, - - - | 400 " |
| | Milton Y. Pardow, clerk and treasurer, - - - | 200 " |
| | Joseph P. Steigler, gate-keeper, - - - | 124 per month. |
| | Lewis Y. Field, director, - - - | \$ 2 allowed every day when in service. |
| | Benj. H. Duncan, do. - - - | " " |
| | James S. Stark, do. - - - | " " |
| | Thomas Hill, jr., do. - - - | " " |
| | W. S. Coons, do. - - - | " " |
| Roanoke navigation co. | Samuel Pannill, president, - - - | No salary: his expenses are paid while employed in the business of the company. |
| | Edward T. Brodnax, director, - - - | " " |
| | James C. Bruce, do. - - - | " " |
| | George D. Baskerville, do. - - - | " " |
| | Edward B. Hicks, do. - - - | " " |
| | Thomas McGehee, do. - - - | " " |
| | William Bailey, do. - - - | " " |
| | I. I. Speed, do. - - - | " " |
| | A. Joyner, treasurer, secretary and general agent, - - - | \$ 700 per annum. |
| | Eli A. Pearson, overseer, - - - | 250 " |
| | W. H. Wesson, collector of tolls at Gaston, - - - | 4 per cent. on amt collected. |
| | Haught C. Wiatt, do. do. Weldon, - - - | 5 " |
| | Charles D. Slaughter, agent at Danville, - - - | \$ 200 per annum. |
| Upper Appomattox navigation co. | S. D. Morton, clerk, toll-collector and treasurer, - - - | 1000 " |
| | S. W. Venable, superintendent, - - - | 500 " |
| | Alexander Wills, lock-keeper, - - - | 150 and 500 pounds pork and 50 bush. corn. |
| | | |
| Rappahannock co. | Wellington Gordon, president and treasurer, - - - | \$ 700 per annum. |
| | Malcolm H. Crump, secretary and collector, - - - | 750 " |
| | Francis A. Childs, superintendent, - - - | 275 " |
| | Alexander Hall, do. - - - | 275 " |
| Slate river navigation co. | Thomas M. Bondurant, president, - - - | Nothing. |
| | Grandison Moseley, director, - - - | " " |
| | Wm. Hocker, do. - - - | " " |
| | Robert Shaw, do. - - - | " " |
| | John S. Nicholas, do. - - - | " " |
| | George Hocker, do. - - - | " " |
| | Wm. B. Shepard, secretary and treasurer, - - - | \$ 200 per annum. |
| North river navigation company. | Wm. McCorkle, president, - - - | 750 " |
| | John W. Paine, state director, - - - | \$ 2 per diem when in the service of the company. |
| | James H. Paxton, do. - - - | " " |
| | Wm. Lusk, do. - - - | " " |
| | Robert Morrison, company director, - - - | " " |
| | Henry B. Jones, do. - - - | " " |
| | Jacob M. Ruff, secretary, - - - | \$ 250 per annum. |
| | John A. Byers, chief engineer, - - - | 1700 " |
| | George A. Baker, treasurer, - - - | No salary. |
| | Solomon T. Smith, overseer, - - - | \$ 300 per annum. |
| | | |

| CORPORATION. | OFFICERS. | SALARIES. |
|---|--|---|
| North river navigation company. | Assistant engineer, - - - - Rodman, - - - - [These have been ordered by the board, but not yet appointed.] | \$ 600 per annum. 365 " |
| Goose creek and Little river navigation co. | H. B. Powell, president; William Benton, Samuel J. Tebbs, Tho's L. Ellzey, John Moore, Edmund Berkeley, directors, - B. P. Nowland, secretary and treasurer, - R. G. Bowie, engineer and superintendent, James Roach, contractor. | No compensation. \$ 300 per annum. 1500 " |
| Guyandotte navigation company. | Charles L. Roffe, president and proxy. Solomon Thomburg, director. G. C. Ricketts, do. Irvin Lusker, do. John W. Hite, do. Henry McFarland, do. Henry H. Miller, treasurer, - - John W. Hite, secretary, - - | Not yet fixed. \$ 2 per day while employed. 10 per cent. on amount collected. |
| Exchange Bank of Virginia and its branches. | S. A. Childers, lock-keeper, - - Wm. W. Sharp, president, at Norfolk, - Wright Southgate, cashier, do. - John P. Wilkinson, teller, do. - Alexander Feret, accountant, do. - Joseph Murden, 2d accountant and note clerk, Norfolk, - W. C. Southgate, discount and transfer clerk, Norfolk, - W. F. Balla, runner and porter, do. - John Dixon, watchman, do. - John C. Hobson, president, at Richmond, do. - Wm. P. Strother, cashier, do. - E. H. Chamberlayne, 1st teller, do. - B. C. Wherry, 2d do. do. - J. B. McMurdo, 1st accountant, do. - J. H. McRae, 2d do. do. - E. C. Pleasants, discount clerk, do. - J. H. Montague, assistant clerk, do. - James Miller, note clerk, do. - Alex. McRae, runner and porter, do. - R. H. Payne, watchman, do. - Tho's S. Gholson, president, at Petersburg, do. - C. J. Fisher, cashier, do. - Leroy Roper, teller, do. - B. Jones, discount clerk and book-keeper, do. - W. A. Banister, indiv'l book-keeper, do. - R. F. Jackson, note clerk, do. - W. A. Page, runner, do. - F. W. Venable, president, at Clarkesville, do. - A. C. Finley, cashier, do. - N. Talley, teller and book-keeper, do. - W. H. Gee, note clerk, &c. do. - Robert Jamieson, president, at Alexandria, do. - John Hooff, cashier and teller, do. - C. R. Hooff, disc't cl'k and runner, do. - L. Hooff, assistant teller and book-keeper, do. - J. Nickens, porter, do. - Wm. Watts, president, at Salem, do. - J. B. J. Logan, cashier and discount clerk, do. - G. Hannah, teller and book-keeper, do. - Daniel Trigg, president, at Abingdon, do. - | 1400 " \$ 2000 per annum. 2750 " 1500 " 1500 " 1400 " 1000 " 600 " 240 " 1250 " 2750 " 1500 " 1500 " 1500 " 1300 " 1250 " 1200 " 1100 " 1000 " 350 " 1000 " 2300 " 1500 " 1200 " 1200 " 1000 " 600 " 1000 " 1500 " 1500 " 650 " 1000 " 1600 " 900 " 1200 " 240 " 750 " 1500 " 1150 " 750 " |

| CORPORATION. | OFFICERS. | SALARIES. |
|---|--|--|
| Northwestern Bank of Virginia and branches. | J. M. Benshaw, cashier, - - - Rees B. Gillespie, clerk, - - - | \$900 per annum. 700 " |
| Bank of Virginia and its branches. | James Caskie, president, at Richmond, Samuel Marx, cashier, do. Lawson Nunnally, ass't cashier, do. Richard Archer, first teller, do. Wm. F. Taylor, second teller, do. J. M. Coulling, gen'l book-keeper, do. James L. Apperson, do. do. James C. Vass, do. do. John H. Hatcher, discount clerk, do. David W. Carter, assistant clerk, do. Wm. A. Robinson, runner, do. Alex. F. Denny, porter, do. Josiah Wills, president, at Norfolk, Ro. W. Bowden, cashier, do. G. W. Camp, teller, do. W. D. Bagenall, book-keeper, do. Elie Barrot, dis. and note clerk, do. H. Rolland, runner, do. Joseph Bragg, president, at Petersburg, George W. Stainback, cashier, do. David H. Branch, teller, do. Wm. J. Prichard, book-keeper, do. D. X. Branch, gen'l book-keeper, do. Allen L. Archer, dis. and note cl'k, do. Wm. H. Davis, runner and porter, do. Hugh Mercer, president, at Fredericksburg, Wm. K. Gordon, cashier, do. John Howison, teller, do. G. W. Garnett, book-keeper, do. Wm. Muir, discount clerk, do. A. J. Bunbury, assistant clerk and runner, do. Chiswell Dabney, president, at Lynchburg, John M. Otey, cashier and assistant discount clerk, do. John Whitehead, teller, do. G. W. Turner, book-keeper, do. Thomas Perkins, discount clerk and runner, do. Tho's P. Atkinson, president, at Danville, Chs. B. Taliaferro, cashier, discount clerk and runner, Danville, George E. Welsh, teller, accountant, note clerk, &c. Danville, Charles T. Beale, president, at Buchanan, Jordan Anthony, cashier and book-keeper, do. Wm. H. Douthat, teller and discount clerk, do. James C. McFarland, president and book-keeper, at Charleston, Samuel Hannah, cashier and porter, do. John M. Doddridge, teller, discount clerk and runner, do. Sam'l L. Wilson, president, at Portsmouth, Wm. H. Wilson, cashier, do. Holt Wilson, teller, do. Wm. A. Niemeyer, book-keeper, do. Overton Bernard, discount clerk, do. Ja's C. Choate, runner and note cl'k, do. | 3000 " 2500 " 1400 " 1450 " 1400 " 1400 " 1400 " 1400 " 1200 " 1000 " 950 " 950 " 1000 " 1500 " 1100 " 1100 " 900 " 600 " 1000 " 2000 " 1500 " 1200 " 900 " 1200 " 500 " 1000 " 2000 " 1300 " 1100 " 900 " 500 " 1000 " 1750 " 1200 " 1250 " 800 " 750 per annum. 1450 " 1350 " 750 " 1600 " 1100 " 1650 " 1800 " 1500 " 750 " 1700 " 1200 " 900 " 800 " 600 " |

| CORPORATION. | OFFICERS. | SALARIES. |
|--------------------------------------|---|--------------------|
| Farmers Bank of Va. and branches. | Wm. H. Macfarland, pres't, at Richmond, | \$ 3000 per annum. |
| | J. Adams Smith, cashier, do. | 2500 " |
| | John Priddy, 1st teller, do. | 1500 " |
| | Edward Sinton, 2d teller, do. | 1500 " |
| | Richard Denny, 1st accountant, do. | 1450 " |
| | Alexander Sterling, 2d accountant, do. | 1450 " |
| | Re. B. Cringan, 3d accountant, do. | 1450 " |
| | Hancock Lee, cashier's assistant, do. | 1500 " |
| | E. A. Payne, discount clerk, do. | 1350 " |
| | Charles B. Williams, note clerk, do. | 1200 " |
| | Lysander W. Rose, assistant clerk, do. | 1000 " |
| | Andrew Jackson Kuhn, runner, do. | 1000 " |
| | Wm. H. Sizer, porter, do. | 750 " |
| | John Maddox, guard, do. | 333 33 " |
| | N. C. Whitehead, president, at Norfolk, | 1000 " |
| | R. H. Chamberlain, cashier, do. | 2100 " |
| | J. G. H. Hatton, teller, do. | 1300 " |
| | Alex. Tunstall, 1st book-keeper, do. | 1100 " |
| | John C. Saunders, 2d do. do. | 800 " |
| | Ignatius Higgins, discount clerk, do. | 1000 " |
| | John O. G. Allmand, note clerk and assistant, do. | 500 " |
| | Peter Brown, porter and watchman, do. | 400 " |
| | John Kevan, president, at Petersburg, | 1000 " |
| | P. C. Osborne, cashier, do. | 2000 " |
| | A. S. Holderby, teller, do. | 1300 " |
| | C. R. Bishop, book-keeper, do. | 1200 " |
| | J. Taliaferro, discount clerk, do. | 1000 " |
| | A. N. Bourdon, note clerk, runner and porter, do. | 1000 " |
| | J. H. Wallace, president, at Fred'icksburg, | 1000 " |
| | A. Goodwin, cashier, do. | 2000 " |
| | J. Metcalfe, book-keeper, do. | 1200 " |
| | Wm. Ware, teller, do. | 1200 " |
| | P. Thornton, disc't and note clerk, do. | 1200 " |
| | F. J. Wiatt, assistant clerk, do. | 800 " |
| | Wm. Radford, president, at Lynchburg, | 1000 " |
| | A. Tompkins, cashier, do. | 1800 " |
| | J. A. Hopkins, teller, do. | 1250 " |
| | J. S. Blair, book-keeper, do. | 1100 " |
| | R. Q. Tompkins, discount clerk, do. | 900 " |
| | W. W. Norvell, assistant clerk, do. | 700 " |
| | R. L. Baker, president, at Winchester, | 1000 " |
| | Joseph H. Sherrard, cashier and book-keeper, do. | 2200 " |
| | George W. Seevers, teller, do. | 1300 " |
| | Ro. B. Holliday, discount clerk and runner do. | 1200 " |
| | Nathaniel T. Green, president at Danville, | 1000 " |
| | G. W. Johnson, cash'r and teller, do. | 1600 " |
| | R. Hopkins, clerk, do. | 1000 " |
| | W. C. Flournoy, president, at Farmville, | 1000 " |
| | A. Vaughan, cashier, do. | 1500 " |
| | A. Z. Venable, clerk and teller, do. | 1450 " |
| | T. N. Watkins, clerk and runner, do. | 900 " |
| | John R. Jones, president, at Charlottesville, | 1000 " |
| | Wm. O. Bibb, cashier, do. | 2000 " |
| | John N. Godwin, first clerk, do. | 1000 " |
| | P. E. Bacon, second " do. | 900 " |
| | Stephen McGavock, pres't, at Wytheville, | 800 " |
| | Thos. J. Morrison, cashier, do. | 1500 " |
| | R. C. Fox, teller and assist. clerk, do. | 800 " |
| | Edw'd Walker, disc't and note clk. do. | 1000 " |
| | Phineas Janney, president, at Alexandria, | 1000 " |

| CORPORATION. | OFFICERS. | SALARIES. |
|---|--|------------------|
| Farmers Bank of Va. and branches. | W. C. Page, cashier, at Alexandria, | 1700 per annum. |
| | P. E. Hoffman, teller, do. | 1100 " |
| | E. C. Fletcher, book-keeper, do. | 1100 " |
| | W. H. Marbury, dis. clk. & run'r, do. | 1100 " |
| | Jetson Dover, porter, do. | 275 " |
| Merch'nts & Mechanics Bank and branches. | J. W. Gill, president, at Wheeling. | |
| | S. Brady, cashier, do. | 2500 " |
| | John Morgan, teller, do. | 1100 " |
| | W. B. Quarrier, 1st book-keeper, do. | 1250 " |
| | J. F. Upedraff, 2d " do. | 1000 " |
| | James D. Thompson, note clerk, do. | 500 " |
| | Henry O. Ott, assistant clerk, do. | 50 " |
| | J. P. Scroggins, watch'n & mess'r, do. | 500 " |
| | W. Wagner, cashier, at Morgantown, | 1300 with house. |
| | John Wagner, clerk, do. | 200 per annum. |

[DOC. No. LXXIV.]

COMMUNICATION

CONTAINING

GOV. JOHNSON'S REASONS

FOR

COMMUTING JORDAN HATCHER'S SENTENCE.

1852.

COMMUNICATION.

EXECUTIVE DEPARTMENT,
May 11, 1852.

To the General Assembly of Virginia.

On the 12th day of March last, Jordan Hatcher, a slave, aged about seventeen years, charged with having killed one William P. Jackson, was tried in the hustings court of this city, found guilty, and sentenced to be hung on the 23d day of April 1852. Shortly after this conviction, and during my late visit to the county of Harrison, papers relating to this subject were sent to me, which failed to arrive before my return, and were not received here until after the day upon which the execution was to have taken place. Desiring to see those papers before making a final decision, I granted a *respite* of two weeks; and after mature and deliberate consideration, I, on the 6th instant, commuted the sentence against the said Hatcher to "sale and transportation beyond the United States." And (as it is made my duty to do by the constitution) I herewith respectfully communicate to the legislature my reasons for said commutation.

That Jackson's death was caused by a blow inflicted by Hatcher, there can be no doubt; but the testimony and all the attending circumstances, so far from shewing that the unfortunate result was contemplated or desired by the slave, rather prove that he had no intention of committing murder, or of taking the life of his overseer, Mr. Jackson, in any way; and that the unfortunate casualty was one of those results which, though deeply to be deplored by all, was not contemplated by any one. The injury was inflicted by a single blow, given at a moment of great excitement and suffering; and without any effort to inflict further injury, the boy ran from the building in a manner shewing that his object and effort was but to escape from the chastisement he was receiving. The great and essential ingredient to constitute *murder*, to wit: *intent* or *malice prepense* was, therefore, wholly wanting.

That the penalty under such circumstances should be death, though perhaps authorized by the letter, is, I believe, against the spirit of our laws and of the age, as it is contrary to mercy and humanity, which are designed for and extended only to the unfortunate and the guilty. If Hatcher had been a white man, the utmost he could have been charged with would have been justifiable homicide or involuntary manslaughter, and in this case it was but manslaughter without intent to kill. My *right* to interpose was clear and unquestionable; and be-

lieving this to be exactly one of those cases contemplated and provided for by the constitution, I commuted the sentence as aforesaid.

The power to pardon and commute is a high and sacred trust, but it is one in the discharge of which the executive of this commonwealth is responsible only to his conscience, his God, and the *State of Virginia*. And in conclusion, I will say, that although strengthened and confirmed in my convictions by the opinions of other gentlemen, of high legal attainments and moral worth, yet my own judgment and sense of duty would have led me to the same conclusions and to the performance of the same act, in the absence of all such support.

Very respectfully,

JOS. JOHNSON.

[DOC. No. LXXV.]

RESOLUTION

RELATIVE TO THE

GOVERNOR'S MESSAGE

ON

THE CASE OF JORDAN HATCHER.

1852.

1991-1992

RESOLUTION.

Whereas Jordan Hatcher, a slave, charged with the murder of Wm. P. Jackson, was tried on the 12th of March last by the hustings court of the city of Richmond, found guilty, and was sentenced to be hanged on the 23d day of April 1852; and whereas Governor Johnson did, on the 6th of May, commute the sentence against the said Hatcher to "sale and transportation beyond the United States," and did, on the 11th instant, in compliance with the 5th section of the 5th article of the constitution, communicate to the general assembly his reasons for the said commutation: Therefore,

Be it resolved, That while the general assembly believes that Gov. Johnson, in commuting the punishment of the said slave, was influenced by the purest motives, and acted in accordance with what he believed to be the dictates of mercy and humanity, after the most careful examination of the testimony elicited at the trial of the said slave, and after the most deliberate consideration of the reasons assigned by Gov. Johnson, in his late message to this house, for commuting the punishment of the convict, the general assembly of Virginia feels constrained to express its belief that this act of executive clemency was ill advised, and to utter its decided disapprobation of "the reasons of said commutation."

[DOC. No. LXXVI.]

AGRICULTURAL TABLES.

1852.

EXECUTIVE DEPARTMENT,
May 14, 1852.

*To the Hon. O. M. CRUTCHFIELD,
Speaker of the House of Delegates.*

SIR,

In obedience to a resolution of the house, adopted on the 5th inst., I have the honor to lay before you the statistical table of the productions of agriculture in Virginia, compiled and arranged as required by the resolution. Accompanying this is a letter received from the census office, and a short table exhibiting errors in regard to the article of hemp, as reported in the census returns.

Very respectfully,

Your obedient servant,

WM. H. RICHARDSON,
Sec. Com'ly,

CENSUS OFFICE, *Washington,*
May 8th, 1852.

DEAR SIR,

By this day's mail I forward to your address a roll of blank agricultural tables, in accordance with the request contained in your favor of yesterday.

I would take occasion to remark, that upon a close scrutiny of the marshals' returns, it is apparent that in many instances the assistant marshals have returned *tons* of hemp, when it should have been *pounds*. Several replies to letters addressed to them upon this subject, confirm the correctness of this assumption.

I enclose you a corrected table of the hemp, from which you can make the alterations on the sheets sent to the speaker of the house of delegates.

Very respectfully,

Your obedient servant,

JOHN W. G. KENNEDY.

WM. H. RICHARDSON, Esq.
Executive Department, Richmond, Va.

Quantities of Hemp returned by Assistant Marshals of Virginia.

| COUNTY. | Hemp—Dew Rot- ted, tons of. | Hemp—Water Rot- ted, tons of. | REMARKS. |
|----------------------|--------------------------------|----------------------------------|-------------------|
| Amberst, - - - | 5 | 435 | Should be pounds. |
| Appomattox, - - - | 240 | | |
| Botetourt, - - - | 3 | 2 | |
| Caroline, - - - | 23 | | |
| Fayette, - - - | 1 | | |
| Franklin, - - - | 5 | | |
| Greenbrier, - - - | - | 6 | |
| Greene, - - - | 6 | | |
| Hampshire, - - - | 300 | - | Should be pounds. |
| Hardy, - - - | 3 | | |
| Highland, - - - | 384 | - | Should be pounds. |
| Isle of Wight, - - - | - | 30 | |
| Jackson, - - - | - | 125 | Should be pounds. |
| Kanawha, - - - | 1500 | - | Should be pounds. |
| Madison, - - - | 1 | | |
| Monroe, - - - | 180 | - | Should be pounds. |
| Montgomery, - - - | 2 | | |
| Morgan, - - - | 5 | | |
| Nelson, - - - | *12½ | 100 | Should be pounds. |
| Orange, - - - | 350 | - | Should be pounds. |
| Putnam, - - - | 275 | - | Should be pounds. |
| Rappahannock, - - - | 220 | - | Should be pounds. |
| Roanoke, - - - | 15 | 1 | |
| Rockbridge, - - - | 2 | | |
| Spotsylvania, - - - | - | 12 | |
| Wetzel, - - - | - | 1 | |
| Wythe, - - - | 1 | | |

* Office—altered from pounds to tons.

TRG

| Value of Animals slaughtered. | Value of Home-made Manufactures. | Ginned Cotton, bales of 400 lbs. each. | Value of Animals slaughtered. |
|-------------------------------|----------------------------------|--|-------------------------------|
| 4 5 | 4 6 | 2 0 | 4 5 |
| 140 | 23712 | 0 | 132807 |
| 3155 | - | 0 | 4669 |
| 3562 | 36292 | 8 | 80044 |
| 999 | 3509 | 21 | 18918 |
| - | 8214 | 19 | 53648 |
| - | 15541 | - | 53345 |
| - | - | - | 24801 |
| 3000 | 4876 | 1 | 80452 |
| 575 | 7641 | 71 | 48835 |
| 1550 | 29104 | 6 | 70817 |
| 400 | 15675 | 2 | 73736 |
| 44 | 1463 | 33 | 132605 |
| - | 8882 | - | 82517 |
| - | 544 | - | 14339 |
| 7600 | 5432 | - | 16373 |
| - | 14541 | 2 | 51214 |
| - | 6671 | 4 | 39112 |
| - | 3265 | - | 28024 |
| - | 5097 | - | 3069 |
| - | 7092 | - | 32458 |
| - | 15941 | 10 | 92913 |
| - | 6330 | 1 | 25889 |
| - | 2837 | - | 72745 |
| - | 13067 | - | 53521 |
| 5550 | 7802 | - | 43735 |
| 15 | 5067 | - | 31932 |
| 795 | 9987 | - | 87771 |
| 5741 | 5213 | - | 40140 |
| - | 6688 | 2 | 37375 |
| - | 7081 | - | 27923 |
| 971 | 22325 | 86 | 163858 |
| 3034 | 12204 | - | 44473 |
| 50 | 5048 | 3 | 36482 |
| 5392 | 15803 | 78 | 65544 |
| - | 1032 | - | 13392 |
| 1346 | 7843 | - | 41740 |
| - | 3981 | - | 2000 |
| 3919355 | 345600 | - | 1921016 |

VIRGINIA

| | Ginned Cotton, bales of 400 lbs. each. | Wool, lbs. of Beeswax and Honey, lbs. of. | Value of Home-made Manufactures. | Value of Animals slaughtered. |
|-----|---|---|-------------------------------------|----------------------------------|
| | 2 0 | 2 4 4 | 4 5 | 4 6 |
| 300 | - | 50 8231 | 33200 | 159365 |
| 788 | 15 | 19 2628 | 13856 | 56164 |
| 261 | - | 9 3442 | 14982 | 65598 |
| 100 | 36 | 14 5093 | 18323 | 36248 |
| 136 | 8 | 27 18971 | 55450 | 107928 |
| 117 | 108 | 17 3607 | 35241 | 95449 |
| 287 | 2 | 24 4224 | 21559 | 80637 |
| 730 | 6 | 20 20068 | 21122 | 132289 |
| 240 | - | 25 10235 | 40463 | 89689 |
| 562 | - | 45 5414 | 21306 | 88951 |
| 135 | - | 18 270 | 20955 | 55036 |
| 521 | 4 | 11 2265 | 25000 | 79229 |
| 565 | - | 72 21304 | 23147 | 152902 |
| 104 | - | 13 13597 | 30430 | 84273 |
| 274 | - | 11 - | 10851 | 38926 |
| 714 | - | 6 1750 | 8033 | 26770 |
| 208 | 1 | 12 2708 | 15164 | 47289 |
| 762 | 26 | 32 8005 | 104946 | 157815 |
| 279 | 1 | 7 5799 | 15743 | 44956 |
| - | - | 60 17073 | 4171 | 165259 |
| 285 | - | 23 150 | 28093 | 90683 |
| 368 | 4 | 15 2855 | 18347 | 59178 |
| 300 | - | 17 1430 | 31079 | 86460 |
| 184 | 34 | 25 2153 | 35423 | 106797 |
| 730 | - | 17 240 | 13981 | 81133 |
| 314 | 46 | 10 2425 | 10005 | 44118 |
| 700 | - | 21 4067 | 12766 | 58896 |
| 699 | - | 8 29440 | 20802 | 52297 |
| 757 | 61 | 25 29084 | 51251 | 124610 |
| 850 | 41 | 16 3024 | 3794 | 45815 |
| 490 | - | 14 1376 | 8065 | 49312 |
| 785 | - | 24 8782 | 16890 | 68831 |
| 345 | 393 | 72 239710 | 784438 | 2632903 |

| Tobacco, lbs. of. | Beeswax and Honey, lbs. of. | Value of Home-made Manufactures. | Value of Animals slaughtered. |
|-------------------|--------------------------------|-------------------------------------|----------------------------------|
| 19 | 44 | 45 | 46 |
| 19216 | 3097 | 6586 | 20825 |
| - | 2884 | 13314 | 158501 |
| - | 4779 | 10360 | 21442 |
| - | - | 512 | 66464 |
| 156183 | 4725 | 15870 | 83570 |
| - | 8228 | 2369 | 63270 |
| - | 12892 | 7376 | 107102 |
| - | 21705 | 31839 | 85000 |
| 1197 | 15902 | 24983 | 65138 |
| 164 | 10262 | 12049 | 22862 |
| - | 2531 | 546 | 88365 |
| - | 861 | 2226 | 20260 |
| 1194 | 4248 | 13200 | 48847 |
| - | 18328 | 17598 | 31531 |
| 362682 | 2475 | 10451 | 55000 |
| 78298 | 6298 | 22018 | 89525 |
| 1800 | 8426 | 26584 | 152067 |
| - | 963 | 7689 | 47817 |
| 1512 | 13222 | 7895 | 44782 |
| 622246 | 142826 | 233465 | 1272368 |

NIA, II

| | Ginned Cotton, bales of 400 lbs. each. | Wool, lbs. of. | Value of Home-made Manufactures. | Value of Animals slaughtered. |
|----|---|----------------|-------------------------------------|----------------------------------|
| | 2 0 | 2 1 | 4 | 4 5 |
| 00 | - | 33264 | 328 | 26111 |
| 53 | - | 13479 | 348 | 17560 |
| 19 | - | 6619 | 763 | 13754 |
| | - | 12357 | 854 | 819 |
| 47 | - | 11264 | 823 | 11083 |
| 26 | - | 15357 | 854 | 18389 |
| 90 | - | 7192 | 204 | 4483 |
| 70 | - | 10862 | 062 | 14705 |
| 24 | - | 13015 | 901 | 13085 |
| | - | 28169 | 212 | 20324 |
| | - | 42574 | 345 | 22526 |
| 22 | - | 23591 | 327 | 21274 |
| 61 | - | 7277 | 649 | 8877 |
| | - | 63666 | 737 | 1294 |
| 73 | - | 31974 | 558 | 27243 |
| 32 | - | 31028 | 622 | 17900 |
| 27 | - | 15171 | 761 | 12673 |
| 31 | - | 21257 | 196 | 28060 |
| 00 | - | 24238 | 823 | 18700 |
| 53 | - | 8202 | 989 | 13301 |
| 96 | - | 34916 | 607 | 23953 |
| | - | 38144 | 485 | 8171 |
| 00 | - | 23607 | 967 | 11136 |
| | - | 12949 | 800 | 14204 |
| 50 | - | 29129 | 118 | 17940 |
| 17 | - | 44282 | 889 | 33408 |
| 00 | - | 21539 | 990 | 13871 |
| 70 | - | 13649 | 255 | 11533 |
| | - | 98590 | 323 | 1120 |
| 20 | - | 43907 | 445 | 20813 |
| | - | 24422 | 722 | 17941 |
| | - | 20502 | 322 | 17202 |
| 22 | - | 10468 | 755 | 12649 |
| | - | 4929 | 117 | 5008 |
| 44 | - | 18395 | 773 | 13872 |
| 95 | - | 15207 | 253 | 8056 |
| 77 | - | 43911 | 906 | 37676 |
| 40 | - | 19356 | 297 | 20115 |
| | - | 26882 | 238 | 21029 |
| | - | 18240 | 632 | 15910 |
| 00 | - | 33605 | 095 | 32969 |
| 20 | - | 14663 | 530 | 8866 |
| | - | 42933 | 534 | 31545 |
| 15 | - | 12571 | 624 | 15565 |
| 00 | - | 12369 | 730 | 10937 |
| 22 | - | 9758 | 285 | 6952 |
| 70 | - | 23854 | 972 | 13077 |
| 41 | - | 3156 | 272 | 6320 |
| | - | 43766 | 019 | 28804 |
| 17 | - | 1291472 | 311 | 792809 |
| 46 | - | 520705 | 226 | 233465 |
| 45 | 393 | 721199 | 710 | 784438 |
| 19 | 3554 | 327389 | 920 | 345600 |
| 27 | 3947 | 2860765 | 767 | 2156312 |
| | | | | 7502983 |

page. Now, as the public printing, according to Culley's testimony, "is of a very high order, equal to that of the best standard works published at the present day," and as the public printer will publish the Reports at a cheaper rate than they have heretofore been published, the undersigned have reported two bills by which the printing of the first volume of Leigh's Reports and of the Decisions of the Court of Appeals is conferred upon the public printer. And the propriety of this recommendation is strengthened by the fact, that the public printer is required by law to give bond and security for the faithful performance of his duty.

THOS. E. BOTTOM,
AND. McDONALD,
WM. KING.

[DOC. No. LXXVII.]

REPORT

OF

THE MAJORITY OF THE COMMITTEE

ON THE SUBJECT OF

THE PUBLIC PRINTING.

1852.

REPORT.

The undersigned, the minority of the committee appointed by a resolution of the house of delegates "to enquire into the expediency of reducing as well the prices paid the public printer of this commonwealth as his annual salary fixed by the 16th section of the Code of Virginia, and of providing by law that all the public printing for the commonwealth that is paid for out of the state treasury, with the exception of the printing for the senate, shall be executed by the public printer," beg leave to report, that much time was consumed by the committee in the investigation of the matters to them referred—several witnesses were examined, nearly all of whom were practical printers, and the widest latitude was given in the investigation—that all necessary information might be elicited which would enable the committee to arrive at a just and impartial decision. Though the evidence adduced before the committee was very conflicting, and much difference of opinion manifested, still, taking the whole testimony together, the undersigned consider themselves warranted in advancing it as their opinion, that the prices paid the public printer should be reduced. It is proved, that for the last fifteen years and upwards, the uniform prices paid the public printers have been sixty-two and a half cents per thousand ems, (an arbitrary phrase used by printers to denote the average number of letters placed in type,) the same amount for press work, and \$1 25 for rule and figure work.

The evidence of Mr. Nowlan goes to shew, that from the desirable nature of the public printing and the certainty of prompt payment, it could be done at fifty instead of sixty-two and a half cents, and that the public printer could better afford to do it at that rate than private work at the same. That the prices paid the printers of the city of Richmond range from thirty-eight to sixty-two and a half cents, and that the average price would be about fifty cents. That printing can be done cheaper now than formerly, and that a large job can be done for less than a small one. That in printing Grattan's Reports, he charged less than sixty-two and a half cents, or \$2 25 per page; and that in executing printing for Messrs. Ritchies & Dunnivant, he charged them sixty-two and a half cents, because *they* received that price.

Mr. Page, a journeyman in the office of the public printer, thought that as the public printer is compelled to keep his hands together to meet any press of work that might come from the legislature, and as they are sometimes idle for want of employment, the public printing could not be done for less than 62½ cents, and that the printing under

such circumstances does not pay as well at that price as private or transient work at 40 or 50 cents—but that he would do the public printing for a smaller sum rather than give it up.

Mr. Bernard, a practical printer, said that while Samuel Shepherd was public printer he received 62½ cents, and that he knew no reason why it could be done cheaper now than then.

Mr. Trueheart, formerly a printer, said that he did not think the present prices should be reduced.

Mr. Culley, a practical printer, said that he contracted to do the printing for the convention at 35 cents per 1000 ems, but that he was induced to ask for an increase of compensation, because, by the terms of the contract, he was entitled to the whole of the printing, but got only one half, the printing of the Supplement having been given to Mr. Gallaher. That had he received all the printing, he could have so managed as to have made a profit at 35 cents. He said he thought that the public printing could be done in a style equal to that of the congressional printing, for forty-five cents, and equal to that of the present public printing, at 50 cents, and that the public printing at 62½ cents pays better than ordinary book work at 40 or 50 cents. That a practical printer could do the printing at 50 cents, but does not know that it could be well done by the public printer for less than 62½ cents, as he has to employ a practical printer.

Mr. Warrock said that he had been printer to the senate for thirty-five years, and had always received 62½ cents, and did not think he received too high a price—that that was a very fair price, though had he double the amount of printing to do, he could afford to do it for a smaller price.

Mr. Nye, who is also a practical printer, thought that the public printer could afford to execute the public printing for 50 cents—that he became the security of Mr. Culley as printer to the convention, and that had he obtained all the printing of that body, he could have afforded to do it for 35 cents, the price agreed upon.

Mr. Guest said he had worked as foreman in Mr. Ritchie's office from the time of his election as public printer until the month of June 1851—that the journeymen employed in that office were not retained during other seasons when no public printing was done, but were, with few exceptions, discharged. That the public printing could be done for 50 cents, and he would be willing to give up his present business to undertake it at that price. That the public printing could be done at as low a rate as any other printing, and that he would rather do the public printing than any other kind of work, and that it could be done for less, as no man in Richmond would be willing to pay 62½ cents, and that had the commonwealth a printing press of its own, it would save at least one-third.

Mr. Ellyson said he had printed the Records of the Court of Appeals by contract ever since the month of May 1844—that he charged 40 cents per 1000 ems, one-third more for rule and figure work, and that he made no additional charge for paper, press work, folding or stitching—that the printing of the Records of the Court of Appeals from May 1850 to May 1851, amounted to \$3,571, and the amount

for the present year will be about \$3,300. The total sum saved to the commonwealth per annum on that amount in the difference between 40 cents, his price, and 62½ cents, the price paid the public printer, is about \$1,687—that is, for \$3,000 he prints 7,500,076 ems, while for the same number the public printer charges \$4,887. That he makes no additional charge for press work, paper, &c., and for all these items the public printer receives additional pay; and taking these into consideration, the total sum saved to the state is about \$1,800 per annum. That he employs the best workmen, and pays them the prices usually paid in Richmond—that he would be willing to undertake the public printing at 40 cents per 1000 ems, give bond and good security, deposit with the clerk of the house of delegates fair specimens of the work, and when his work fell below his specimens, he would bind himself to forfeit the whole cost of such work.

Mr. John Colin, a practical printer, said that the extra public printing can be done for 50 cents—that he charged Mr. Ritchie 50 cents for printing—that he was Mr. Shepherd's partner for 8 or 10 years, and the price paid him was 62½ cents, and that was considered a fair price at that time. But there are more facilities now in printing and presses, and a larger amount of public printing—that paper is cheaper and house rent about the same, and that in consideration of the quantity of the public printing and the prompt payment, it can be done for about the same prices that are paid for private printing, though some allowance should be made from the fact that the public printing takes precedence over all other printing and requires a large amount of material.

Mr. Bailey, a practical printer, said that he would rather have the public printing at 62½ cents than regular work at 50 cents; that he thought, presuming that the public printer has other work to employ his hands, it could be done for less and afford a very handsome profit. He thought, if the public printer had an open field for other work, he could afford to do the printing for less; but if restricted to the public printing alone, he did not think 62½ cents too much. He thought that if the state had a printing press of its own, and there was no common head to which to be responsible, the state would lose at the present prices. That he would not do the public printing for less than 60 cents, as he had understood that was the price agreed upon by an understanding among the employing printers of Richmond. That he had done work at 50 and 55 cents, but nothing could be made at it. That he remembered his friend Mr. Ellyson took from him one job at 50 cents, and made money at it.

Mr. Brunett thought under the present arrangement the public printing could not be done for less than 62½ cents, and allow the profit that should be made on such work.

Mr. Redford, who is in the employment of the public printer, in his essay on the responsibilities, losses, &c. of the public printer, thinks that in consideration of the fact that the public printer "has at least as much fear of a conflagration as Napoleon had before he arrived at Moscow," and that if one of the public documents were lost, "the public printer might search America, Europe, Africa, and

might extend his search into Asia, and every part of the world, with as little hope of finding it as Napoleon had of conquering Russia when he left Moscow after the conflagration before alluded to," the present prices ought, instead of being reduced, to be increased, to guard against such accidents.

Mr. Gallaher, who was printer of the Supplement, and who received from the convention 62½ cents, in his letter read before the committee, thinks the present rates not too high, and should not be reduced.

By an examination of document A, included in the evidence, it will be seen, that by a resolution lately adopted by the house of representatives of Massachusetts, the rate of public printing was fixed at 35 cents for the composition of each thousand ems, and 70 cents for rule and figure work. It will also appear, by reference to the accompanying document B, that in Pennsylvania, at the session of her general assembly, an act was passed in 1843, allowing only 40 cents per 1000 ems, the same per token for press work, with the addition of 50 per cent., or 80 cents, for rule and figure work. In 1844, the prices were reduced 50 per cent., in 1847, 65 per cent., and in 1851, a further reduction of 81 per cent. was made; and it also appears, that under the reduction of 81 per cent. "the law did not so well." Still, from 1844 to 1850, under the reduction of 65 per cent. below the prices of 1843, which were 40 cents, the printing was executed promptly, and in a better manner than before.

It will be perceived from the above summing up of all the material evidence adduced before the committee, that the opinions of the various witnesses vary from about the prices in Pennsylvania, 25, to 62½ cents per 1000 ems. It will be perceived further, that although the public printer is paid by the commonwealth 62½ cents per 1000 ems, nevertheless printing, other than that done for the state, is executed by him at the sum of 40 cents, and even under that sum: for Mr. Nowlan expressly says, that he agreed to do work for Mr. Ellyson at 40 cents, but was underbid by Mr. Dunnivant, the partner of the public printer.

The evidence of three or four practical printers sustains the position that the public printing can be done upon the same terms upon which printing other than state printing is done, while some assert that it can be done for less. It will also be perceived that the printing of the Records of the Court of Appeals is done for 40 cents, and only one-third in addition for rule and figure work, (while the public printer receives double price for similar work,) and for printing executed at such rates the printer to the court of appeals makes a handsome profit, and is anxious to retain the work. Mr. Bailey swears, that one job was taken from his hands by Mr. Ellyson at 50 cents, and he made money by it.

Relying implicitly upon the sincerity of the opinions of all the witnesses, and taking into consideration that printing for another department is done at 40 cents, and only one-third in addition for rule and figure work—which would be a fraction over 58 cents, a little over one-half less than is paid the public printer for such work—and assuming that as between the lowest and the highest prices stated in the testi-

mony, 40 cents per 1000 ems would be a correct average—and making allowance for reasons given by Mr. Redford and Mr. Page, and adding for such allowance 10 cents for composition and 42 cents for rule and figure work, added to the prices paid the court of appeals printer, the undersigned feel justified in saying that 50 cents per 1000 ems for composition work, the same for press work, and \$1 for rule and figure work, is a fair and reasonable compensation. If Mr. Ellyson, printer to the court of appeals, can make money at 40 cents per 1000 ems, with no additional charge for press work, folding, stitching, &c. and 58 cents for rule and figure work, surely the public printer can make money at 50 cents per 1000 ems, 50 cents for press work, &c. and \$1 for rule and figure work.

In obedience to a resolution adopted by the house of delegates, the auditor of public accounts has furnished the house (and the same was referred to the committee) a statement of the amount paid the public printer for the years 1849, 50 and 51, and of the amount paid Sam'l Shepherd, late public printer, from the year 1837 until some time in the year 1849.

From an inspection of this statement, it will be seen that during the ten and a half years, commencing in 1839 and terminating in 1849, there was paid to Sam'l Shepherd, exclusive of \$1,555 51 for printing the Report of the Revisors of the Civil and Criminal Code, the sum of \$69,548 51. For the two and a half years, commencing in 1849 and terminating in December 1851, there was paid to the present public printer, exclusive of \$34,122 71 paid him for printing the new Code, the sum of \$34,050 08, or an average of little more than \$6000 per annum to Sam'l Shepherd, and an average of upwards of \$16,000 per annum to the present public printer. There was paid during the ten and a half years, to Sam'l Shepherd, in all, the sum of \$71,100 21, and during the two and a half years, to Wm. F. Ritchie, in all, the sum of \$68,172 79.

It was proved before the committee, and the evidence was not controverted, that the printing of 10,000 copies of the new Code, which, at the price of \$3 per volume, and including also other incidental expenses, cost the state the sum of \$34,122 71, could have been printed at the price of \$2 per volume, or \$20,000, and a clear profit of \$5000 made by the job.

By an examination of the statement above mentioned, it will be seen that there was paid the present public printer, for printing 500 copies of the Muster Rolls of Virginia Militia of 1812, an unbound volume merely stitched together, and for ruled paper, the sum of \$2,299 37, and for printing 10,000 copies of Militia Laws the sum of \$1,427 00. It was proved by Mr. Ellyson, that he had made a calculation, having regard to the usual prices paid by ordinary customers, and that he could print the 500 copies of the Muster Rolls referred to for \$1400, and would consider it one of the most profitable jobs he ever did; and that he could print the said 10,000 copies of the Militia Laws for \$800—all in as good style as it is now done. These instances have been alluded to by the undersigned as justifying them in advancing the opinion that too much has been paid the public printer, and that the present prices should be reduced.

By the resolution of the house of delegates, the committee were instructed to enquire into the expediency of providing that all the public printing except the printing to the senate should be done by the public printer. In consideration of the fact that by an act passed 24th of March 1842, the clerks of the court of appeals were authorized to contract for said printing—that the said printing never has been done by the public printer at any time by virtue of his office—that it appears by the information given the house of delegates by the clerk of the court of appeals, that the work is satisfactorily executed by Mr. Ellyson, the present contractor, and that he does the work far below the prices paid the public printer, the undersigned ask to be discharged from the consideration of that portion of the resolution.

The undersigned would here refer to a practice, which it seems from the evidence obtains among most printers, which the undersigned consider an abuse, and should therefore be corrected: It is that of charging for blank pages the same as if those pages were covered with printed matter.

It appears from the testimony of Mr. Ellyson, that by the terms of the contract made between him and the clerk of the court of appeals, he was forbidden to charge for blank pages. By reference to house documents of this session, Nos. 24, 27, 28, 32, 36, 37, 38 and 43, it will be observed that they cover about one hundred pages in all, among which are 28 entire blank pages, for which full compensation is allowed. Mr. Ellyson swears, that in these documents, spread out on 100 pages, the matter might be so reduced as not to occupy more than from 43 to 50 pages, and that instead of injuring, it would improve the typographical appearance of the work. Mr. Culley, in his testimony says, the blank pages constitute the "cream" of the job. In this the undersigned fully concur with Mr. Culley. Although it may be a practice common among printers, it should be corrected, for the undersigned cannot see justice and reasonableness of paying printers, or any one else, for services they do not render; and if charging as much for blank pages containing not one letter of printed matter as for pages covered with such matter, be not compensation for services not rendered, the undersigned do not know in what such compensation consists. In consideration of the fact that the clerk of the court of appeals had sufficient regard for a due system of economy in the disbursement of the public money as to restrict the contractor from charging for blank pages, the undersigned would recommend that the public printer be prohibited also from charging for blank pages.

In reference to a reduction of the annual salary now paid the public printer, the undersigned would state, that by the 16th section of chapter 14th of the Code of Virginia, he is paid annually the sum of \$4800. When that section was enacted the general assembly met annually; and as nearly all the duties he was required to perform for that salary were printing done during and consequent upon each session of the general assembly, under such circumstances the annual salary was proper. But under the new constitution the sessions of

the general assembly are to be biennial; and there being only one session in two years, should the law remain as at present, the public printer would then be entitled to receive \$ 9600 for performing services for which, under the old constitution, he only received \$ 4800. The undersigned, not being able to see the reason for the distinction made in the 20th chapter of the Code, between the duties which the public printer is required to perform for his annual salary and those duties deemed extra work, do recommend the abolition of the public printer's salary, and in lieu thereof, the adoption of a compensation at the rate of fifty cents per thousand ems, fifty cents per token for press work, and one dollar for rule and figure work, together with some provision by which the public printer's accounts are to be made out and certified for payment.

In consideration of the heavy indebtedness of the state, and the urgent necessity of a high rate of taxation, the undersigned feel warranted in saying that a due regard to public economy and the interest of the entire community require at the hands of the general assembly such a reduction as they have recommended.

SAMUEL G. STAPLES,
JNO. A. TATE.

[DOC. No. LXXVIII.]

RECORD OF COURT

IN

JORDAN HATCHER'S CASE,

TOGETHER WITH THE

PETITION FOR COMMUTATION OF HIS SENTENCE.

1852.

Resolved, That the secretary of the commonwealth be directed to furnish the public printer a copy of the record of the court in the case of the slave Jordan Hatcher, and also the petition of sundry citizens for the commutation of the punishment of said slave, and that the public printer be instructed to print the same for the use of this house.

Agreed to by the house of delegates, May 19, 1852. •

GEORGE W. MUNFORD, C. H. D.

RECORD OF THE COURT.

*In Richmond Hustings Court, March 12th, 1852: Present—*SAMUEL T. PULLIAM, *Recorder*, JAS. K. CASKIE, JOSEPH C. WINGFIELD, EDWIN FARRAR and JAMES BRAY, *Aldermen*:

Jordan Hatcher, a slave, who stands charged with a felony by him committed, in this, that he did on the 25th day of February 1852, in the city of Richmond, feloniously and of his malice, kill and murder William P. Jackson—was this day led to the bar in custody of the sergeant; and William W. Day being assigned his counsel, he was arraigned and pleaded not guilty to the charge; and the court having heard the evidence, are unanimously of opinion that the said Jordan Hatcher is guilty of the crime with which he stands charged. And it being demanded of the said Jordan Hatcher if he had anything to say why the court should not now proceed to pronounce judgment on him according to law, and nothing being offered in arrest or delay of judgment, it is considered by the court that the said Jordan Hatcher be hanged by the neck until he be dead. And it is ordered that execution of this sentence be done upon the said Jordan Hatcher by the sergeant of this city, on Friday the 23d day of April 1852, between the hours of 10 o'clock in the forenoon and 2 o'clock in the afternoon of that day, at the usual place of execution. And the said Jordan Hatcher is remanded to jail.

The court affix the value of the said slave Jordan Hatcher, who is proved to the satisfaction of the court to be the property of Mrs. P. O. Godsey of the county of Chesterfield, at six hundred dollars, it being the opinion of the court that he would sell for that sum, if sold publicly, under a knowledge of his condemnation.

The following is a copy of the certificate of the mayor of this city, under which this trial was had, viz:

“CITY OF RICHMOND, TO WIT:

To the Clerk of the Hustings Court of said City:

I, William Lambert, mayor of the said city, do hereby certify, that I have by my warrant this day committed Jordan Hatcher, a slave, to the jail of this city, that he may be tried before the hustings court of said city, for a felony by him committed, in this, that he did on the 25th day of February 1852, in said city, feloniously and of his malice, kill and murder one William P. Jackson. Given under my hand this 28th day of February 1852.

WILLIAM LAMBERT, *Mayor.*”

The following are copies of the depositions of the witnesses for the commonwealth, taken down in court and filed, viz :

Robert Jones, a slave, being charged and sworn, deposed, that the affair commenced by Mr. Jackson speaking to the prisoner about some inferior stems which prisoner had on his bench in Walker and Harris's factory. Mr. Jackson was overseer in the factory, and called the prisoner from his bench up near the stove to chastise the prisoner about his work ; prisoner caught hold of the cowhide. Mr. Jackson told him to let go the cowhide, but the prisoner did not let go. Mr. Jackson kicked the prisoner, and prisoner caught hold of Mr. Jackson and threw Mr. Jackson off, and picked up an iron poker which lies generally at the stove and struck Mr. Jackson a blow with it on the fore part of the head, which caused Mr. Jackson to fall. The iron poker produced in court was here shewn to the witness, who stated that it was the same poker with which prisoner struck Mr. Jackson. A few minutes passed before Mr. Jackson got up, and then the prisoner was not in the room—witness did not see prisoner when he left the room. This occurred about 9 or 10 o'clock in the morning, as witness thinks.

Dr. John A. Cunningham, being sworn, deposed, that he was called, on Wednesday, the 25th February last, about 8 o'clock in the morning, to see Mr. William P. Jackson, whom he found with a slight wound or cut on his forehead, and which he had been bathing with cold water : witness saw no evidence of any serious injury, and Mr. Jackson not complaining of any pain or sickness of stomach, witness told him he supposed that what he had been doing was all required ; and witness left him and did not see him again until next day, when he was again sent for, and at a glance he saw that Mr. Jackson was suffering from a very severe injury to the brain. Witness having a particular reason for not having anything to do with the case, and knowing that what he would think necessary was directly at variance with the opinions of the father of Mr. Jackson on the subject, told the mother of Mr. Jackson what the injury was, and stated that he could not have anything to do with the case, unless in company with another physician. Some time afterwards witness received another urgent message to come and see Mr. Jackson in company with another physician. Witness immediately went, and met Dr. Deane there, and they examined the wound, and thinking that an operation was necessary, urged that another physician should instantly be sent for, and Dr. Bolton was sent for, and when he came, an investigation of the case was made, and it was found that the skull had been broken and portions of it forced in upon the brain. An operation was performed upon Mr. Jackson, and portions of the broken skull bone were removed. Witness again saw Mr. Jackson about 10 o'clock at night, when the symptoms of his case were still worse and more alarming ; and on next day witness saw him again about 10 o'clock, when he was evidently dying. Witness is perfectly satisfied that the death of Mr. Jackson was attributable directly to the blow inflicted on his forehead.

Dr. James Bolton, being sworn, deposed, that he was requested to meet Dr. Cunningham, about 4 o'clock of the day after the wound was inflicted, at the house of Mr. Jackson. Witness did go, and on

examining the wound, saw that it seemed to be a very slight wound ; but on a more minute examination, found that Mr. Jackson's skull was fractured, and portions of the skull were forced into the opening and upon the brain. Witness operated upon Mr. Jackson's skull and found that the brain was very seriously injured. The substance of the brain itself was injured by the weapon which had broken the skull bone, and a puncture of the brain was observed immediately under the fracture of the skull. Witness put his little finger carefully into the puncture in the brain, to see if any fragment of the skull had been driven into the brain : witness found no portion of the skull in this puncture. After the operation, Mr. Jackson seemed to be somewhat better, and was roused up and said he felt better ; but shortly after he relapsed into a state of insensibility. Next morning about 10 o'clock witness saw Mr. Jackson again, when he was evidently dying. Witness has no doubt that the death of Mr. Jackson was owing entirely to the puncture made into the substance of the brain by the instrument which was used in inflicting the wound. Witness thinks that the fatal termination of the case would not have been in any way changed by performing any surgical operation at an earlier period after the infliction of the injury. No post mortem examination was made, as far as witness is aware, of this injury to Mr. Jackson's brain, the mother of Mr. Jackson refusing to allow any such examination to be made.

Daniel Walthall, a slave, being charged and sworn, deposed, that he saw Mr. Jackson strike Jordan Hatcher with a cowhide, and Jordan Hatcher took up the iron poker and struck Mr. Jackson with it. Mr. Jackson fell on receiving the blow, and Jordan Hatcher ran off out of the room, and Mr. Jackson got up immediately and followed Jordan Hatcher out of the room. Witness thinks this occurred about 8 o'clock in the morning. Witness was going from his work place to the scales to weigh a box, when he saw Mr. Jackson strike Jordan with a cowhide. Witness went to the scales, about 20 feet off, and weighed the box, and as he was returning to his work place, he saw Jordan strike Mr. Jackson on the head with the iron poker.

Alonzo Heath, a slave, being charged and sworn, deposed, that the first commencement of the fray between Mr. Jackson and Jordan was about some dirty stems Jordan had on his bench. Mr. Jackson attempted to whip Jordan, and did give Jordan several blows with the cowhide, when Jordan caught hold of the cowhide. Mr. Jackson told Jordan to let go the cowhide, but Jordan would not let go ; and Mr. Jackson kicked Jordan, and they had a tussle, and Jordan pushed Mr. Jackson off, and picked up the iron poker and struck Mr. Jackson a blow with it on the forehead. Mr. Jackson fell on the floor when he received the blow, and Jordan immediately ran out of the room down the steps, dropping the poker on the floor. Mr. Jackson got up almost immediately, and ran down stairs after Jordan. The iron poker in court being shewn to witness, he identified it as the same poker with which Jordan struck Mr. Jackson.

William Barkus, a slave, a witness introduced and examined on behalf of the prisoner, being charged and sworn, deposed, that he was

at his bench, in Walker & Harris's factory, when the fray commenced between Mr. Jackson and Jordan Hatcher. Mr. Jackson looked at Jordan's stems, and found fault with him about them, and asked Jordan if he had not told him not to have dirty stems on his bench, and said he would whip him. Jordan said that he had told him so, and that he would try to do better if he would not whip him. Mr. Jackson said that he would whip him about it first, and make him do it. Mr. Jackson did cut Jordan several times with the cowhide, and Jordan caught hold of the cowhide and asked Mr. Jackson not to whip him any more. Mr. Jackson told him to let go the cowhide and come out by the stove, and Jordan did so. Witness saw no more of the matter, but shortly after he heard a sort of cry, and saw Jordan run down stairs, and Mr. Jackson ran down after him directly afterwards, with his forehead bleeding.

A transcript of the record.

Teste,

CHS. HOWARD, *Clerk.*

P E T I T I O N .

To his Excellency JOSEPH JOHNSON, ESQ.
Governor of Virginia.

The petition of the undersigned respectfully represents, that a negro slave named Jordan Hatcher, aged about seventeen years, was, on Friday, the 12th day of the present month, (March,) tried by the hustings court of the city of Richmond, charged with killing one

Jackson, found guilty, and sentenced to be hung on the 23d day of April 1852. Your petitioners represent that the following are the facts developed upon the trial: The boy Jordan was hired at a tobacco factory in the said city, and the said Jackson was an overseer in said factory; that on the morning on which the fatal blow was given, Jackson came to the boy's bench where he was at work and found fault with a bundle of tobacco stems put up by the boy, stating that it was the second occasion on which he had to complain of the boy's work—the boy begged his forgiveness, and promised to endeavor to do better for the future. Jackson replied, that if he did do better it should be after he was chastised, and commenced whipping him with a cowhide. After a number of lashes had been struck, the boy caught hold of the cowhide. Jackson then ordered him to leave his bench and walk out with him into the floor near the stove. The boy immediately released his hold on the cowhide and obeyed him. Upon getting into the floor near the stove, Jackson again began to whip him; and after some lashes had been inflicted, the boy again seized the cowhide, whereupon Jackson kicked him. The boy then picked up an iron poker, which was immediately under his feet, and struck Jackson a blow on the forehead. Jackson fell to the floor—the boy dropped the poker and left the room immediately. That the boy did not attempt to repeat the blow, although he might easily have done so, as no one attempted to prevent him, many being present at the time. In a moment or two Jackson arose and pursued the boy, but did not overtake him. A physician was almost immediately called in, who found Jackson sitting up, and, for certain professional reasons, did not make any examination of the wound. The same physician was called in again the next morning, when he found

his patient laboring under a compression of the brain. Other physicians were then called in by his advice, and the wound was explored. Upon an exploration, it appeared that the skull was fractured—an aperture having been made in it and the brain wounded. An operation was then deemed necessary, and was then performed, but the patient survived only a few hours. These are all of the material facts developed on the trial. But at the trial one of the eyes of the boy was exceedingly inflamed by reason, as he alleged, of a blow in the eye given by Jackson on that occasion—but of this there was no distinct proof.

Your petitioners frankly admit that there can be but little doubt but that Jackson came to his death by reason of the blow inflicted by the boy, but they submit that that consequence was neither expected nor desired by him. All of the facts of the case tend to establish that the blow was struck under circumstances tending greatly to aggravate the boy—without premeditation and with no design to kill. There is no malignant, willful or deliberate purpose developed by the proofs to commit murder. Under these circumstances, while your petitioners do not complain of the conviction as being contrary to the strict letter of the law, they are humbly of opinion that this is precisely one of those cases upon which a sound discretion would induce the exercise of some degree of executive clemency. The youthfulness of the party may also be pleaded not as an excuse but certainly in mitigation of his offence.

Your petitioners therefore pray a commutation of his punishment.

And your petitioners will ever, &c.

Geo. Woodbridge,

Wm. A. Jenkins,
R. R. Howison,
S. S. Baxter,
Jno. M. Patton, jr.
P. V. Daniel, jr.
J. R. Anderson,
Herbert A. Claiborne,
Jacob Hall, jr.
Wirt Robinson,
Alex'r Jones,
A. Judson Crane,
John K. Martin,
C. W. Macmurdo,
Chas. H. Read,
Moses D. Hoge,

Wm. Wallace Day, *counsel*
(*at the trial*) *for Jordan*
Hatcher,)

John G. Williams,
Stephen Taylor,
Ro. W. Haxall,
Wm. H. Macfarland,
A. Empie,
J. A. Smith,
W. M. Elliott,
Thomas H. Ellis,
Wm. D. Gibson,
Sam'l M. Price,
Jno. Williams,
West Wyatt,
Thos. Bottom,
George F. Maynard,
A. A. Allen,

B. W. Haxall,
Geo. D. Fisher,
R. B. Somerville,
B. B. Minor,
G. A. Myers,
Fred. Bransford,
Sam'l Mordecai,
Walter D. Blair,
John J. London,
Jos. Jackson, jr.
D. S. Doggett,
R. A. Williams,
Lewis N. Webb,
John G. Wade, jr.

C. J. Macmurdo, jr.
Wm. B. Williams,
J. B. Sclater,
Wm. Rutherford,
R. Kidder Taylor,
Thos. J. Evans,
R. H. Lorton,
E. Nance,
W. H. Pleasants,
Eustace Robinson,
N. P. Howard,
C. G. Griswold,
W. B. Wooldridge,
Ro. G. Scott, jr.

[DOC. No. LXXIX.]

EXPLANATION

OF

GOVERNOR JOHNSON'S REASONS

FOR

COMMUTING JORDAN HATCHER'S SENTENCE

1852.

EXPLANATION.

EXECUTIVE DEPARTMENT, May 19, 1852.

To the General Assembly of Virginia.

In the discharge of my constitutional duty, I had the honor to communicate to your body on the 11th inst. the reasons for the commutation of the sentence of the slave Jordan Hatcher. I learn that the terms in which those reasons were expressed have been misconstrued, and my views upon the delicate relations existing between master and slave misapprehended. Upon this grave subject I cannot permit a doubt to be felt of the views of the executive.

I never entertained the opinion, nor did I intend to intimate, that the slave would under any circumstances be excused or justified in resisting the legal authority of his master. The right of the master or his agent to punish the slave, whenever in his opinion he deserves it, is a legal right—results from the nature of the property itself, and is necessary for wholesome discipline and restraint. It is founded on the soundest principles of public policy, and our courts have held that the owner of a slave cannot be indicted for the cruel or excessive whipping of his own slave. If the master abuses this high power so far as to commit crime, he is responsible to the laws of the land alone: the slave has no rights adverse to those of the master or the agent to whom he has delegated his authority.

With these views, long entertained, it is almost unnecessary to say that, in my late message, I did not intend to convey the idea that the relative positions of the white citizen and the slave to the laws of the country were the same, or that the exercise by the master or his agent of the ample power of chastisement given by the law, furnishes any excusable or justifiable reason for resistance or an exhibition of resentment upon the part of the slave.

Our laws wisely discriminate between the punishment of white men and slaves for similar offences, and in my interposition in behalf of the slave Jordan Hatcher, I did not intend to express the conviction of my mind that a slave should not suffer death for offences below the grade of murder. In many instances it is proper in the execution of the laws. Upon an examination of the record of Jordan Hatcher's trial

and conviction, I came to the conclusion that it presented a case for the interference of the executive, and commuted the punishment to the only substitute for the death penalty provided by the law. In stating my reasons, if I have failed to do so in clear and distinct terms, it has resulted rather from a want of familiarity with the *technicalities* of the law, than from any disposition to misinterpret them.

I have the honor to be,

Very respectfully,

JOS. JOHNSON.

[DOC. No. LXXX.]

REPORT

OF

THE JOINT COMMITTEE

TO EXAMINE

THE PENITENTIARY INSTITUTION.

1852.

REPORT.

The joint committee on the penitentiary, appointed by both houses of the general assembly at an early part of the session, performed the duties incumbent upon them, and submit the following

REPORT :

The committee carefully examined every department of the penitentiary and found them in a condition entirely satisfactory to every member of the committee. The different branches of manufactures are carried on with great vigor, and everything appears to be managed to the best possible advantage, by the able superintendent. The closest economy appears to prevail, compatible with the comfort of the unfortunate convicts—not a word of complaint has been heard, but on the contrary the highest commendation as to the management of Col. Morgan.

A subcommittee was appointed to examine the books and accounts at the penitentiary, and all were found correct, and in the best order.

A subcommittee was also appointed to examine the books, accounts and papers of the agent, which were ascertained to be all correct, and made out in a manner so plain as to be easily understood.

Every member of the committee takes great pleasure in thus bearing testimony in favor of all the officers of the penitentiary; and it is a matter of just state pride to know that the people of Virginia are but rarely imposed upon by incompetent and unworthy officials.

The manufacturing operations of the penitentiary during the last fiscal year have been better than could have been reasonably expected under all the circumstances; and if the criminal code remains as at present, there must be hereafter pecuniary difficulties, and the institution will become a lazarus-house, to be supported by the tax payers of the commonwealth.

The earnest attention of every member of the general assembly is called to the able report for the last year of the superintendent, and to the statistics furnished in document No. 14—also to the plain truths submitted by Robert G. Scott, Esq., president of the board of directors.

It may be considered a work of supererogation for the committee to add anything in opposition to the minimum term of imprisonment now prescribed by law, after the able *expose* above referred to; but as it is a matter that deserves the grave consideration of the general assembly, your committee will be pardoned for their further reference

thereto. If the law should for any length of time remain as it now is, the penitentiary must become an oppressive burthen to the state: annual appropriations must be made for the support of more than 200 convicts, and the number may reach 300 in a few years, if the rate of increase should continue as it has done since the 30th of September last; and this will be a consequent of the error of sending a felon to the penitentiary for the term of one year; but as important as the pecuniary consideration may be, it is still more serious when viewed in reference to an equitable and proper punishment of crime. A code drawn up for the prevention of offences should neither be too severe nor too mild: if the former, there is danger that the law would be a dead letter on the statute books; if the latter, it is a temptation and inducement to crime.

Before the revisal of the Code, the pecuniary affairs of the penitentiary were in a flourishing condition, and but little legislation was required to make it what the experience of this and other states had shewn was necessary to be done. Forty years of legislation should have afforded a lesson in opposition to sentences of one year. Every one must be convinced, on a moment's reflection, that a convict sentenced for one year cannot pay his expenses in prison in that brief period. The most skillful convict has to undergo a new apprenticeship; and before he becomes acquainted with his occupation, his time expires. But only about one-seventh of the white convicts and one-fourth of the black convicts received are mechanics.

By reference to the history of the penitentiary, it will be seen that whenever the periods of punishment were increased, the institution was a source of revenue to the state, and whenever reduced to terms of one and two years, the commonwealth was taxed to support it.

But the mere question of dollars and cents is a small matter, when the morality of the present minimum term is taken into consideration.

Let it not be understood that the mere ignominy of a conviction is the object of the law; it is a better and a higher purpose. The advanced state of improvement in prison discipline in the United States looks not only to punishment of crime, but a sentence of such length that there may be some hope of reformation. The grade of punishment should be such that crime should be reduced to the lowest possible point consistent with humanity to the felon, and the experience of past years speaks louder than the finest spun theories based upon mere abstractions.

Since the term of sentence is reduced to one year, and every county in the state, at every court, is sending its multiplying numbers of convicts, it has become so common a spectacle that it is losing *caste*, and is now but little more shocking to the sensibilities of a felon (if he have any) or disgraceful to his name than was imprisonment for debt in a county jail or a sentence under a peace warrant. Mere ideal punishments are fraught with mischief, and felonies are now punished but little more severely than were misdemeanors a few years since. The result is, that crime goes unpunished, the criminal is not reformed, nor the state indemnified for the cost of a mock trial and conviction. It is a false philanthropy which saves the criminal at the expense of so-

ciety, and in doing so before reformation, lets him loose to prey upon his species—a living curse to all.

Your committee is unanimous in the belief that no term of punishment in the penitentiary should be for a shorter period than three years; and for offences that would not justify a punishment of that length, that confinement in a county jail would be a proper substitute, and a less tax upon the people of the state.

It is not thought necessary to exhibit a long array of statistics to prove that whenever in this and other states the periods of one and two years were authorized to punish felons in state prisons, crime fearfully increased, and that there was a like decrease when three years was the minimum; but these facts can be found in your library, and it is only necessary to refer to the fact, that every one may make the examination for himself. It is evident that the new Code has had a demoralizing effect, and it should at once be corrected by the legislature. Let it be fairly examined, and the mind that has not been operated upon by the sickly and spurious philanthropy of the Northern states, must be convinced that the present law is radically wrong. The remedy for this state of things is plain: it was adopted heretofore with a most beneficial result in a like condition of things. If it operated well then, there is no reason to doubt its efficacy at the present juncture. There is, at least, no danger in doing what was done heretofore: it will take away the bounty and inducement to crime.

Your committee have examined the reports of the superintendents of the penitentiaries of many of the states, and there is a unity of sentiment in all in opposition to the term of one year. The superintendent of the Albany state prison writes, that "from the long experience I have had in watching the effects of our discipline upon those who have been committed to my charge, I am convinced that three years is the shortest term for which any individual should be sentenced, if we would indulge the hope of producing that salutary change in his mind and habits which will in after life enable him to withstand the temptations that lead to the commission of those crimes for which he was imprisoned."

The superintendent of the Maine state prison says, that "the principle on which the views of the directors and superintendent of the Virginia penitentiary are based, I believe to be correct. Some years since, in this state, we had convicts sent here for two, six and seven months, but it was thought an unsound policy, and accordingly the legislature was petitioned to fix the shortest sentence at two years. They, however, in their wisdom, named one year, and thus stands the law in Maine. My own opinion is, it should be two years."

Col. Morgan has kindly consented that the following extract from a letter of B. Marriott, Esq., secretary of the board of directors of the Maryland penitentiary, may be used by the committee—it is an able document, and covers the whole ground:

"Previous to receiving your communication, I had written an article on the subject of the 'gradation of punishment for crime,' for the official paper published at Annapolis, in which I take the ground that three years should be the *minimum* term of imprisonment for peniten-

tiary offences, and quote from your last able report in support of the position I assumed. That article has not yet been forwarded for publication.

"Where the offences against the laws are of such a character as not to justify a sentence extending to three years, it is my opinion that the offender should be confined in the county jails, provided those jails are converted into work houses. The Albany penitentiary, for instance, is nothing but a county jail converted into a work house, where the discipline of a penitentiary is strictly enforced, and which, under the able management of Capt. Amos Pillsbury, pays its expenses. It strikes me that every county jail which is likely to have *many tenants* should be so arranged, without regard to cost, as to enable its tenants to be put to hard labor, and thus to contribute partially, if not entirely, to their support. Where a jail is so constructed as to cause a number of prisoners to be thrown together for any time in a state of idleness, I cannot but regard it as a 'school for crime,' and 'a laboratory of corruption,' prolific of most serious evils to the community where it is located. The state authorities should direct their attention to such sources of degradation at the earliest possible opportunity, and make the appropriation necessary to remove the evil, and substitute *work houses* in their places. Be the cost what it may, the money will be well expended, and its interest will be paid to the contributing power in the *improved morals* of the community around them.

"The experience in the Albany county prison of New York has demonstrated that employment can be found for every description of jail tenants, and that the prisoners can be made to pay their expenses. But should we fail in accomplishing this end, we cannot fail in finding employment for them, and thus 'ensuring them to habits of industry,' as far as we can during their limited confinement. If we succeed in nothing else but keeping them from *idleness* and corrupting associations and practices whilst in jail, that alone will more than compensate for the appropriations that may be necessary to effect these changes in our county prisons.

"I would refer you to the superintendent of the Albany county prison for his views about the minimum term of imprisonment in penitentiaries. He is one of the most experienced prison officers in our whole country, and yourself accepted, has been more successful than all others in their management. In his letter of last year, addressed to the secretary of the New York prison discipline association, he insists that sentences to state prisons for a shorter term than three years are utterly ineffectual in accomplishing the reformation of the offenders, as it requires every day of that time to habituate them to industrial pursuits, and to turn their minds from their vicious inclinations. He also expresses the opinion that they should not be kept *feverish* by any hope of pardon during that time, but convinced of the impossibility of escape from the penalty of their crimes, if we would hope to work out their reformation. He cites in support of his position the many reconversions among those whose *first* sentences were of short duration.

"In his report published some years ago, the superintendent of the

provincial penitentiary in Canada West, in expressing himself on this subject, used the following remarks :

‘The experience of the last year has satisfactorily proven that a short sentence tends only to harden the heart and produce a repetition of crime. The prospect of a speedy liberation too often banishes reflection from the mind of the offender ; and if he be much depraved in nature, it is more than probable that under a short sentence he concocts plans of future depredations upon society, instead of turning his thoughts to the necessity of correcting his habits and leading a new life. If the evil habit—whether it be drunkenness, a propensity to thieving, or disposition to injure the person of a fellow man—be not entirely broken by his term of imprisonment, no permanent change of heart can possibly take place. I do not mean to say that long sentences will break these habits in all cases and prevent a repetition of crime in every instance, but I do say, nevertheless, that if any signal good is to arise from our penitentiary system, the object is far more likely to be attained by long, rather than by short sentences.’

“So far as my experience teaches, I must concur in these sentiments ; and though I am not authorized to speak for our directors, I feel well convinced that their well known discernment will lead them to adopt and endorse the feeble arguments which I have advanced.

“In regard to your enquiry whether ‘it would be desirable to have a uniform system of punishment adopted among the states as far as the population will admit,’ I must answer in the affirmative, though I see no mode of bringing about such a result. In our state, the minimum term of imprisonment in our penitentiary is eighteen months ; in your state and some others, twelve months ; and in some two or three others, if I mistake not, some offenders are imprisoned for but six months. Our minimum term is entirely too short, according to my humble judgment, and hence I cannot look with any sort of favor upon penitentiary terms which are still more limited. If the opinions and facts which your correspondence is likely to elicit and collect, shall accomplish anything towards bringing about a uniform system of punishment in the various states of our Union, it is my opinion that you will render an acceptable service to your country.”

The punishment of slaves for offences committed by them is a matter that demands the serious consideration of the general assembly. It is a subject of grave importance, on which there is a diversity of opinion, and your committee will refrain from discussing it ; but your attention is called to the following documents marked A. B. C. D. They contain facts on that subject worthy your serious reflection, and of every citizen of the commonwealth who is interested in the welfare of society.

Respectfully submitted.

AND. McDONALD,
Chairman.

A LIST

Of all Slaves executed within the five fiscal years ending September 30th, 1851; the Courts where sentenced, the Names of the Owners, the Crimes for which executed, and the Sum paid out of the Treasury for each Slave.

| Names of Slaves. | By what County or Corporation Courts sentenced. | Names of Owners. | Crimes. | Dates of Execution. | Sum paid out of Treasury. |
|--|---|-----------------------------|------------------------------|---------------------|---------------------------|
| Bob, | Nottoway, | Maloro W. Robinson, | Murder, | May 7, 1847, | 715 |
| Posey, | Goochland, | Dr. J. W. Pendleton, | Assault with intent to kill, | " 21, " | 500 |
| Peter, | " | " | " | " | 500 |
| to Willie, | Sussex, | John M. Wynne, | Murder, | July 30, " | 520 |
| Daniel, | Halifax, | Jacob Davis, | " | " | 650 |
| Giles, | Henrico, | Bernard Peyton, | " | December 10, 1847, | 830 |
| Bill, | Logan, | Anthony Lawson, | " | February 18, 1848, | 600 |
| Billy or William, | Petersburg, | Lilly Hunnicutt, | " | April 28, " | 540 |
| King, | Henrico, | Claborne W. Gooch's estate, | " | May 12, " | 600 |
| Jefferson, | Wythe, | Robert Gibborey, | " | July 28, " | 710 |
| William, | Gloucester, | Martha H. Callett, | " | September 8, " | 420 |
| Simon, | Prince Edward, | William T. Wootton, | Conspiracy and murder, | October 6, " | 600 |
| Do. | " | Charles A. Scott, | " | " | 500 |
| Reuben <i>alias</i> Brown, | Albemarle, | Dr. Garland A. Garth, | Assault with intent to kill, | November 10, " | 230 |
| Bob, | Halifax, | R. Oliver, | " | August 7, 1849, | 650 |
| Jim Mays, | Pittsylvania, | Samuel Fitzgerald, | Murder, | September 28, " | 380 |
| Roberta, | Brunswick, | Sally Ezell, | Poisoning, | October 12, " | 550 |
| Eliza, | " | Nancy Griffin, | " | " | 550 |
| Wealey, | Mecklenburg, | Philip Ramey, | Rape, | December 28, " | 600 |
| Peter, | Prince George, | James A. Rives, | Arson, | February 8, 1850, | 680 |
| Henry, | Southampton, | Drewry Waller, | Murder, | April 5, " | 708 |
| Agnes, | Prince William, | Gerard Mason's estate, | " | July 19, " | 450 |
| Henry Gunn, | Henrico, | Richard Whicello's estate, | " | June 28, " | 350 |
| Uel or Lewis, | Kanawha, | Luke Wilcox, | Rape, | August 30, " | 500 |
| Bob, | Lancaster, | John B. Downman, | Murder, | " 16, " | 680 |
| Ben, | Rockbridge, | William McChesney, | Rape, | November 28, " | 450 |
| Dick, | Mecklenburg, | Francis W. Boyd's estate, | Poisoning, | March 7, 1851, | 870 |
| Total paid out of treasury, that the valuations of the courts have been received by the owners respectively. | | | | | \$15235; assum'g |

WM. H. RICHARDSON, Sec. Com.

[B.]

A LIST

Of all Slaves condemned to be executed, and reprieved for Sale and Transportation, within the five fiscal years ending September 30th, 1851; the Names of the Owners, the Courts where sentenced, the Crimes where sentenced, the Sum paid out of the Treasury for each, and the Price for which sold by the Executive.

| Names of Slaves. | Names of Owners. | By what County or Corporation Courts sentenced. | Crimes. | Dates of Reprieves. | Sum paid out of Treasury. | Sales by Executive. |
|------------------|------------------------------|---|--------------------------------|---------------------|---------------------------|---------------------|
| Preley, - | Elizabeth Price, - | Madison, - | Burglary, - | October 12, 1846, - | \$ 575 00 | \$ 460 |
| Henry, - | Joseph G. B. Rouhac, - | Carroll, - | Horse stealing, - | November 4, " - | 500 00 | 500 |
| Bob, - | Dorothy Turberville, - | Mecklenburg, - | Murder, - | " 24, " - | 515 00 | 460 |
| Anthony, - | Warren D. Owens, - | King George, - | Rape, - | January 19, 1847, - | 660 00 | 460 |
| Dick, - | George Vaughn (or Baughn,) - | Hanover, - | Robbery, - | April 19, " - | 550 00 | 460 |
| Angustus, - | John D. Murrell, - | Lynchburg, - | Assault with intent to kill, - | August 20, " - | 590 00 | 460 |
| Jim, - | George Byars' estate, - | Smyth, - | Burglary and larceny, - | September 30, " - | 600 00 | 325 |
| Peter, - | Samuel Fitzgerald, - | Pittsylvania, - | Robbery, - | October 15, " - | 710 00 | 460 |
| James, - | William Slaughter, - | Fredericksburg, - | Burglary, - | November 17, " - | 605 00 | 460 |
| Patrick, - | Robert Wren, - | Richmond City, - | " - | January 4, 1848, - | 700 00 | 370 |
| Peter Sims, - | Joseph Bailey's estate, - | " - | " - | " - | 600 00 | 460 |
| Ben Jarvis, - | William Jarvis, - | " - | Assault with intent to kill, - | March 13, " - | 683 33 | 460 |
| Coleman, - | Peter W. Brown, - | " - | Burglary, - | " - | 650 00 | 460 |
| Walker, - | Joseph H. Travis, - | King William, - | " - | " - | 625 00 | 460 |
| Harden, - | Lewis B. Lawson, - | Logan, - | Arson, - | " - | 600 00 | 500 |
| Edmund, - | Peter B. W. Hughes, - | Gloucester, - | Murder, - | May 2, " - | 640 00 | 500 |
| Kit, - | Edward Hall, - | " - | Rape, - | " - | 570 00 | 480 |
| Jennette, - | Henry Haup, - | Augusta, - | Assault with intent to kill, - | June 12, " - | 350 00 | 100 |
| Sam Humphreys, - | Eliza P. Herbert, - | Alexandria county, - | Burglary, - | August 16, " - | 440 00 | 100 |
| John, - | Charles A. Scott, - | Prince Edward, - | Conspiracy and murder, - | " 18, " - | 350 00 | 250 |
| John, - | John D. Lewis, - | Kanawha, - | Murder, - | September 30, " - | 600 00 | 400 |
| Henry, - | William L. Smith, - | Mathews, - | Burglary, - | October 3, 1849, - | 650 00 | 500 |
| Harrison, - | George Bailly, - | Sussex, - | Rape, - | January 6, " - | 580 00 | 600 |
| Adolphus, - | John W. Foster, - | Amelia, - | Burglary, - | " 15, " - | 500 00 | 500 |
| Fanny, - | John W. Morris, - | Richmond city, - | Arson, - | February 6, " - | 500 00 | 500 |
| Charles, - | William K. Johnson, - | Roanoke, - | Assault with intent to kill, - | " 24, " - | 400 00 | 550 |
| | | | | March 20, " - | | |

| Whitman, | A. Hutchinson & estate, | Fauquier, | Burglary, | June 20, | 3300 00 |
|------------------|---------------------------|----------------|------------------------------|-------------------|---------|
| Tom, | John Bibb's estate, | Louisa, | Murder, | " 26, | 525 |
| Nancy, | William Clopton, | Richmond city, | Arson, | July 6, | 375 |
| Richard Gentry, | John H. Gentry, | " | Burglary, | November 14, | 491 66½ |
| Edward Green, | Jane Timberlake, | " | " | " | 614 28 |
| Phil. Alexander, | Mary B. Nelson, | Shenandoah, | Rape, | December 6, | 828 57 |
| Stephen, | Ann Southall, | Charles City, | Burglary, | January 24, 1850, | 425 00 |
| James, | Richard L. Kemp's estate, | Gloucester, | " | " 28, | 600 |
| Bockley, | James A. Rives, | Prince George, | Arson, | " 31, | 600 |
| Jim Collins, | Peter O'Neal, | Nansemond, | Murder, | May 18, | 450 00 |
| Mack, | William Townes, | Mecklenburg, | Burglary, | June 8, | 300 00 |
| Joe Forsyth, | Elizabeth H. Brooks, | Campbell, | Assault with intent to kill, | " 21, | 600 00 |
| Henry, | Hugh Hamilton, | Fauquier, | Burglary, | September 9, | 700 00 |
| Bob, | William Garth, | Albemarle, | Arson, | November 19, | 760 00 |
| Lacy Barker, | Mary Raines, | Sussex, | " | March 17, 1851, | 390 00 |
| Toby, | Susanna Throgmorton, | Henrico, | " | June 25, | 350½ |
| Randall, | Henry Sharpe, | " | " | " 25, | 750 00 |
| Ben, | Edward Furneyhough, | Albemarle, | Assault with intent to kill, | July 15, | 600½ |
| | | | | | 650 00 |

* Died in the penitentiary.

† The sum received for this slave over the amount paid by the state was refunded to the owner, in pursuance of an act of assembly.

‡ These slaves were sold by the executive on the 8th of December 1851.

WM. H. RICHARDSON, Sec. Com.

[C.]

A LIST

Of all Slaves sentenced by the Courts to Sale and Transportation from July 1st, 1850, when the New Code went into operation, to the 30th of September 1851; with the Names of the Owners, the Courts where sentenced, the Crimes for which sentenced, the Sums paid out of the Treasury to the Owners, and the Amounts for which the Slaves were sold by the Executive.

| Names of Slaves. | Names of Owners. | By what county or corporation court sentenced. | Crimes. | When ordered to be brought to Penitentiary. | Sums paid out of Treasury. | Sales by Executive. |
|------------------|---------------------------|--|----------------------------------|---|----------------------------|---------------------|
| Ned, | James H. C. Leach, | Prince Edward, | Murder in second degree, | October 1, 1850, | \$ 450 | \$ 400 |
| Baker, | George F. Brown, | Westmoreland, | Assault with intent to kill, | November 2, 1850, | 600 | 450 |
| John, | F. P. Redman, | Spotsylvania, | Rape, | December 7, 1850, | 360 | 475 |
| Haney, | F. W. Boyd's estate, | Mecklenburg, | Attempting to administer poison, | February 6, 1851, | 590 | 400 |
| Daniel, | " | " | " | " " | 770 | 475 |
| Nelson, | Amanda Dedman, | " | " | " " | 700 | 300 |
| William, | John H. Gordon, | Culpeper, | Assault with intent to kill, | " 24, | 750 | 450 |
| Jerry,* | George Price's estate, | Page, | " | March 12, | 250 | |
| John, | William Woolfolk, | Fluvanna, | " | April 3, | 710 | 600 |
| Jim, | Francis Gikerson, | Augusta, | " | April 7, | 700 | 400 |
| Daniel,† | W. Green, | Amelia, | Rape, | April 9, | 350 | |
| Caroline, | Hugh McDowell, | Hanover, | Burglary and larceny, | April 30, | 500 | 350 |
| Daniel,† | John Persinger, | Roanoke, | Infanticide, | May 30, | 700 | |
| William, | George Hamilton, | Fredericksburg, | Arson, | June 18, | 800 | 595 |
| Ben, | Harriet Savage, | Henrico, | Burglary, | July 19, | 800 | 590 |
| Jesse, | Napoleon Archer, trustee, | Petersburg, | Assault and robbery, | August 29, | 600 | 475 |
| Marlin, | Frances Burgess, | Rappahannock, | Murder in second degree, | " " | 850 | 475 |
| Minor, | David Brounagh, | Louisa, | " | " " | 600 | 300 |
| Abraham, | Thos. Mitchell's estate, | " | Burglary, | " " | 600 | |
| Harry, | Elizabeth Storke, | Westmoreland, | Assault with intent to kill, | April 21, | 780 | 1000 |
| | | | Burglary, | October 1, | | |

All the sales above specified, except the first three, were made by the executive on the 8th of December 1851.
 * Reported by the superintendent of the penitentiary as unsalable—three fingers of one hand cut off, and another much injured.
 † Reported as old and unsalable. ‡ Died in the county jail.

WM. H. RICHARDSON, Sec. Com'rs.

[D.]

Transports received since the 25th October 1851, up to March 4th, 1852.

| Names of Slaves. | Names of Owners. | By what County or Corporation Courts sentenced. | Crimes. | When ordered to be brought to the Penitentiary. | When received. | Sums paid out of Treasury. | Sales by executive. |
|------------------|----------------------------|---|--------------------------------|---|------------------|--|--|
| Anderson, | R. H. Boston, | Henrico county, | Burning barn, | Oct. 24th, 1851, | Oct. 25th, 1851, | \$200 | Not sold. |
| Hartwell, | Mr. Adkinson, | Surry county, | Attempt to kill his overseer. | Nov. 7th, " | Nov. 11th, 1851, | 400 | Not sold. |
| John, | Betry Ranuda, | Henrico county, | Striking the overseer. | Nov. 12th, " | Nov. 13th, 1851, | 250 | Not sold. |
| Abram,* | Estate of Thomas Mitchell. | Louisa county, | Striking a white man. | April 21 & Nov. 12, 1851. | Nov. 15th, 1851, | 600 | Sold, with a slave from Westm'd, for \$1000. |
| Caesar, | Miss Louisa Atkinson. | Matthews county, | Burning barn, | Dec. 4th, 1851, | Dec. 19th, 1851, | 300 | Not sold. |
| Richmond, | Ambrose P. Hill, | Culpeper county, | Rape on a married col'd woman. | Dec. 17th, 1851, | Dec. 27th, 1851, | 700 | Not sold. |
| Agnes, | Thos. Boudar, | City of Richmond. | Burning stable, | - | Feb. 21st, 1852, | No record rec'd, nor any action taken by executive in this case. | |
| George, | Joshua Walker, | York county, | Burnt the jail, | Feb. 25th, 1852, | Mar. 4th, 1852 | 420 | Not sold. |
| Ned Ralley, | Mrs. R. Ralley, | Nansemond co. | Burning a barn, | " " | Mar. 4th, 1852, | 650 | Not sold. |

* This slave is entered in list No. 2, communicated to the legislature.

[DOC. No. LXXXI.]

FINAL REPORT

RELATIVE TO THE

COVINGTON AND OHIO RAILROAD,

BY

CHARLES B. SHAW, C. E.

1852.

At a meeting of the Board of public works, held on the 26th day of May 1852, the final report of Charles B. Shaw, chief engineer, for the survey of a railroad from Covington to the Ohio river, was laid before the board and considered: Whereupon, it was—

Resolved, That the secretary of the board communicate a copy of said report to each house of the general assembly.

A true copy from the minutes.

W. R. DRINKARD,
Sec'y Board of Public Works.

REPORT.

To the Board of Public Works.

GENTLEMEN,

I have to present you my final report on the railroad surveys between Covington and the Ohio river.

The best and most practicable route, as required by the assembly's resolution, could only be discovered by the survey of all routes which were practicable. Between 900 and 1,000 miles of topographical survey, with accurate levelings, and reconnoissances of many lines not found worthy of a survey, have left nothing to be desired in field operations.

In the comparison which is now presented of the various lines, reference is had to their relative lengths and cost, and their suitability in grades and curvature for economical use.

Such facts as were susceptible of being exactly ascertained, and are strictly within the province of an engineer, to prevent cavil, will be found in tabular shape. The conclusions arrived at are certainly sustained by the figures, and can only be reversed by some considerations of policy, apart entirely from the mere physical consideration which I have chiefly given to the subject. Some arguments have been resorted to for the purpose of strengthening the preference expressed for particular lines, to which I am not entitled to claim the same deference as to the instrumental facts and subsequent calculations. They are my own speculations, and may go for what they are worth. If they fail to produce the conviction in other minds they have done in my own, I shall make no complaint. I shall be satisfied with the acknowledgment, that I have presented on paper a faithful description of the topography of the country through which this railroad must pass, and of such engineering statistics as may be indispensable in a choice of routes.

Boyé's map of the state, on which are delineated the principal mountain ranges, will at once indicate the proper lines to be compared. They are :

1. A line from Covington, up the valley of Dunlap's creek 14 miles, to Crow's ; thence crossing the Alleghany, to the White Sulphur springs, descending Howard's creek to its debouchure, and Greenbrier river to New river ; following the latter streams on the north margin to the narrow falls of New river, a short distance above the mouth of Gauley, and thence comparative lines to the the mouth of the Great Kanawha, with a view to determine the most suitable bank for a railway.

Line No. 2—designated line B in former reports, as the first was line A—is a branch of No. 1 diverging from it at Crow's, passing in the vicinity of the Sweet springs, and the Salt and Red Sulphur springs, to the mouth of Indian creek, and thence down New river to its reunion with line No. 1 at the mouth of Greenbrier. Some description of these lines is given in the report on these surveys of Feb. 5, 1861.

Line No. 3 is a branch of line No. 1, and extends from the Kanawha river at the mouth of Big Scary creek, by the valleys of Scary and Big Hurricane, to the waters of Mud river; thence following Mud and Guyandotte rivers to the vicinity of Guyandotte, and thence by the Ohio bottom chiefly to the mouth of Big Sandy.

Line No. 4 commences at Covington, descending Jackson's river to the mouth of Potts' creek, and ascending the latter to its head at the summit of Potts' creek mountain; descends Stony creek to New river; follows New river to the mouth of East river; ascends the latter; crosses two high mountains at the heads of East river and Bluestone; passes to the head waters of Clinch river, crosses the Great Flat Top mountain at the head of the Dry fork of Sandy, and pursues the latter stream to the mouth of Big Sandy river, uniting at that point with route No. 3. Routes Nos. 3 and 4 are briefly described in the report of January last.

Partial surveys were also made: Up Bluestone river and Camp creek, to ascertain the practicability of a line of railway across the Flat Top to the head waters of Guyandotte or Coal river; and up Piney creek and Whitestick, to the neighborhood of Raleigh courthouse. The great height of the summits and the ruggedness of the way forbade a further prosecution of these surveys. A table accompanies this report, shewing the level of all remarkable points in the surveys, and their distances from Covington. From this table the rate of grade to any summit may readily be computed, and the advocates of any line may satisfy themselves whether it were not examined to the extent of its desert.

A reconnoissance and partial survey were also made by the special resolution of your honorable body, to test more particularly than I had thought advisable, the merits of a line, claimed to be the best and shortest between Greenbrier bridge and the mouth of Gauley river. There can be no better place than the present to introduce the result of that survey.

Various lines were surveyed with a view to reach Kanawha by way of Meadow river, under the direction of Mr. Chas. Ellet in 1838. From notes of these surveys in my possession, I had ascertained that an unavoidable summit of Meadow mountain must be crossed 2006 feet above the mouth of Gauley. Our own levels gave the water of Greenbrier at the bridge 1689 ft. above tide, and the mouth of Gauley 662. The summit of Meadow mountain referred to the level at the mouth of Gauley is 2668 ft. above tide, and consequently 979 ft. above Greenbrier river. As 50 ft. per mile had been made the limiting grade going west, and 40 feet per mile going east, and not a single stream enters Greenbrier river suitable for ascending to the Greenbrier levels,

and as these levels are 400 feet above the river, the only practicable way of reaching the levels is by a continuous 50 feet grade up the valley of the Greenbrier. This throws the line entirely out of the direction of the top of Meadow mountain, and in the neighborhood of Frankfort on the levels. Eight or nine miles of distance are thus expended without advancing any nearer the desired point. The Greenbrier levels are what their name implies, a vast general level, not drained by ravines but by sinks and subterranean streams. The whole country is underlaid with cavernous limestone. Caves of vast extent and singular beauty exist in the valley of Greenbrier.

Muddy creek mountain disappears at its north end in this level. Here the line flanks it, crosses Huger's creek and reaches the eastern base of Meadow mountain, about 25 miles by any practicable way from Greenbrier bridge. Between five and six hundred feet of ascent next to be accomplished will require an expenditure of 10 or 11 miles of distance to reach the summit.

The summit when attained is, by Mr. Ellett's surveys, 75 miles from the mouth of Gauley. It cannot possibly be reached in less than 30 miles—probably 35—making the entire distance from Greenbrier bridge to the mouth of Gauley, from 105 to 110 miles. This distance in a location must be increased 5 miles more, by the unavoidable necessity of ascending Gauley $2\frac{1}{2}$ miles above the mouth of Meadow, and descending on the opposite bank. The location of any line at all within reasonable limits of curvature and cost is, as I shall presently shew, impracticable. Even if it were, the crossing of the Meadow mountain would be equivalent to an excess of distance, by equating grades both ways, of 36 miles by the rule announced last year, and nearly 56 miles by the rule of Latrobe and Knight. The equated distance by this route would then be 141 miles at the very least, while by route No. 1, down Greenbrier and New rivers, the equated and measured distances are the same, viz: 106 miles.

It will thus be seen that this route, so confidently asserted to be the shortest by perhaps 30 miles, is longer than route No. 1, even in measured distance. What are the pretensions of this route in other respects, may be collected from Mr. McKean's report, which follows:

“Memorandum relating to the line from the mouth of Anglin's creek, along the right bank of Meadow river, to the crossing of Gauley river.

The line, agreeably to the instructions of Mr. Shaw, was run with reference to a 40 feet grade—commencing at an elevation of 3 feet above estimated freshet mark on Meadow river at Anglin's creek, and descending with said grade to the crossing of Gauley.

The line was throughout over side hills of the roughest kind, on slopes composed, like those on the worst parts of New river, of large masses of detached rocks. The side slopes vary from 15° to 60° , being usually from 20° to 30° . The perpendicular cliffs, which top the hill side slope, and rise above it from 50 to 120 feet, are at distances from the line at first of 100 to 250 feet: as the line approaches the mouth of Meadow river, it passes at some points at the very foot of these crags.

The line descending at a grade of 40 feet per mile, while the river falls at the rate of 42.3 feet for the first five miles from Anglin's creek, keeps this distance at very nearly the same elevation above the river; but for the four miles next above the mouth of Meadow river, the fall of the river averages 107 feet per mile, so that the line is constantly leaving the river, and that at the rate of 67 feet per mile. In fact, at the mouth of Meadow the grade line is 270 feet above the freshet mark.

The line was continued $2\frac{1}{2}$ miles up Gauley; and as the river bed rises about 40 feet per mile while the grade descends as much, the crossing would here be made at an elevation of 70 feet above freshet mark. At this crossing there must be 180° of curvature with a radius of 573 feet; or if the curvature be reduced on the bridge, the approaches must be curved more sharply. By going $\frac{1}{2}$ a mile higher up Gauley, a crossing could be made at an elevation of only 30 feet above freshet mark; but no better ground for crossing seems attainable, and the curvature cannot be reduced.

Supposing Gauley crossed at an elevation of 70 feet, the fall of the river below the mouth of Meadow river is such that the grade line would come to a point 3 feet above freshet mark, about 12 miles below that point.

It will be obvious, from an inspection of the plan, that when the line becomes considerably elevated above the water of Meadow river, the curvature must become very abrupt in passing all the *convex* bends of the river.

At four distinct points on Meadow river, and at one on Gauley, tunnels will be necessary, unless curves, of radii from 500 to 350 feet, are introduced. Three of these tunnels will be of 800 feet in length each, one of 600, and one of 900—in all 3900 feet; and all on curves with a radius of 955 feet, being as abrupt as it is deemed desirable to employ in a tunnel.

With a greater radius, more tunneling would be requisite; and to reduce the length of tunneling, the curvature must be increased.

At other points the curvature will not vary essentially from that required on the New river line, and the proportional amount of walling would be about the same."—H. S. McK.

This result of the instrumental trial on Meadow river is exactly what I had predicted. No engineer would have thought any survey necessary after one inspection of the landscape at the mouth of Meadow river.

The impossibility of a line down Meadow river and Gauley is to be regretted, as a region of country not within the influence of any important improvement—and a region of great fertility—would be opened and settled with the despatch which always accompanies good facilities for reaching a market with agricultural products.

With a view to the clear understanding of the discussion of routes, I here introduce three tabular statements. The first is a list of level points, giving the elevations above tide of all the principal summits on the several lines in their proper order, the bases of each mountain, and the river crossings with the distance of each level point in the list from Covington.

This list may be used by any one who is curious in that way in testing the accuracy of the deductions in the two tables which succeed it. These tables contain—the first—a statement of distances, measured and equated, grades, curvature and cost, on lines No. 1, 2, 3 and 4—the second, a comparison, after the same form, of the lines from the mouth of Scary creek to the mouths respectively of the Great Kanawha and Big Sandy rivers; and also a comparison of distances and cost of the lines on the two banks of the Great Kanawha.

A glance over the last two documents will prepare the mind of the reader for the argument on the route for which I have expressed a preference.

[TABLE I.]

List of Elevations and Distances on the different Routes from Covington to the Ohio.

No. I.—GREENBRIER LINE.

| PLACES. | Height above tide. | Distances from Covington. |
|---|--------------------|---------------------------|
| | Fath. | Miles. |
| <i>Jackson's river, at Covington and mouth of Dunlap's creek, (B. M. No. 1, 1227.88—Zero,)</i> | 1213.50 | |
| Dunlap's creek at junction with Ogley's creek, | 1339.50 | 4.5 |
| " " Tygers' run, (Col. Crow's,) | 1635.00 | 15.4 |
| Tyger's run, at J. Lewis', | 1884.13 | 17.6 |
| " at the entrance of short tunnel, | 2135.00 | 19.7 |
| *Summit of <i>Alleghany, between waters of Dunlap's and Howard's creeks.</i> (<i>grade 275 feet below this,</i>) | 2405.00 | |
| Branch of Tuckahoe creek line leaves tunnel, | 2150.00 | 20.3 |
| Tuckahoe creek at crossing, | 1961.52 | 21.3 |
| Howard's creek, opposite the White Sulphur springs, | 1890.00 | 25.0 |
| Greenbrier river, at bridge, | 1689.00 | 30.7 |
| " at Edgar's mill, | 1646.38 | 36.0 |
| " mouth of Second creek, | 1630.18 | 40.7 |
| " mouth of Mill creek, | 1595.41 | 44.5 |
| " mouth of Muddy creek, | 1532.14 | 52.0 |
| " near Beard's, | 1519.88 | 58.7 |
| " opposite Little Stony creek, | 1458.93 | 67.0 |
| " at Powley's creek, | 1404.57 | 71.6 |
| " at its junction with New river, (B. M. 1408.24,) | 1382.59 | 76.0 |
| New river, head of Brooks' shoals, | 1344.00 | 81.5 |
| " above Richmond's falls, | 1320.00 | 85.0 |
| " at Stretcher's Neck, | 1177.00 | 101.00 |
| " at Bowyer's ferry, | 967.00 | 118.0 |
| " above Hawk's Nest, | 800.00 | 129.5 |
| New river, at Gauley bridge, (crossing,) | 662.50 | 136.0 |
| Kanawha, at Big Loup creek, | 616.00 | 142.70 |
| " at Paint creek, | 583.00 | 153.0 |
| " at Fairy creek, (Charleston,) | 573.00 | 174.25 |
| " at mouth of Coal river, | 555.00 | 186.0 |
| " at Plantation creek, | 546.00 | 200.5 |
| Kanawha, at Point Pleasant, | 529.00 | 228.83 |

* Summit of Alleghany on tunnel 3000 feet long, and 2130 feet above tide.

No. II.—MONROE LINE.

| PLACES. | Height above tide. | Distances from Corrington. |
|--|--------------------|----------------------------|
| | Feet. | Miles. |
| <i>Dunlap's creek, at Crow's,</i> | 1635.00 | 15.4 |
| " <i>at Snake run,</i> | 1755.08 | 18.6 |
| " <i>at Cove creek,</i> | 1920.25 | 22.0 |
| <i>SUMMIT of Alleghany between Dunlap's and Back creek, (cut 55 feet,)</i> | 2531.69 | 28.0 |
| <i>Junction of Big and Little Devil's run,</i> | 2427.43 | 29.8 |
| <i>Divide between Big and Little Devil's run, (cut 25 feet,)</i> | 2500.00 | 30.7 |
| <i>Second creek, at the Gap mills,</i> | 2320.00 | 32.4 |
| <i>Divide at Boerne's between waters of Indian and Second creeks,</i> | 2450.00 | 34.4 |
| <i>Heads of Indian creek,</i> | 2700.94 | 38.5 |
| <i>Indian creek, opposite Union,</i> | 1970.55 | 40.0 |
| " <i>at Salt Sulphur springs,</i> | 1810.39 | 42.0 |
| " <i>at Dropping Lick,</i> | 1718.00 | 47.0 |
| " <i>at Red Sulphur springs,</i> | 1537.51 | 60.0 |
| <i>Junction of Indian creek and New river,</i> | 1440.15 | 66.5 |
| <i>New river, opposite Bluestone,</i> | 1400.46 | 77.0 |
| <i>New river, at mouth of Greenbrier river,</i> | 1382.59 | 80.5 |

BRANCH LINE FROM KANAWHA AT BIG SCARY TO OHIO AT MOUTH OF BIG SANDY.

| PLACES. | Height above tide. | Distances from Covington. |
|--|--------------------|---------------------------|
| | <i>Feet.</i> | <i>Miles.</i> |
| <i>Level of Kanawha at mouth of Big Scary creek, (B. M. 590.70,) -</i> | <i>552.49</i> | <i>189.0</i> |
| <i>Summit No. 1, between waters of Scary and Poplar fork, -</i> | <i>746.03</i> | <i>192.5</i> |
| <i>Poplar fork, -</i> | <i>664.14</i> | <i>193.5</i> |
| <i>Summit No. 2, between waters of Poplar and Hurricane creeks, -</i> | <i>755.34</i> | <i>194.6</i> |
| <i>Hurricane creek, where Mill creek joins it, -</i> | <i>630.13</i> | <i>197.5</i> |
| <i>Summit No. 3, between waters of Hurricane and Mud river, -</i> | <i>716.58</i> | <i>200.2</i> |
| <i>Mud river, at Kilgoure's creek, -</i> | <i>569.40</i> | <i>205.5</i> |
| <i>" at Handley stage stand, -</i> | <i>-</i> | <i>215</i> |
| <i>" at Station 1660, -</i> | <i>526.68</i> | <i>205.5</i> |
| <i>Junction of Mud and Guyandotte rivers, -</i> | <i>512.22</i> | <i>219.2</i> |
| <i>Guyandotte river near mouth, -</i> | <i>509.34</i> | <i>225.5</i> |
| <i>Four Pole creek, -</i> | <i>525.47</i> | <i>230.5</i> |
| <i>Twelve Pole river, -</i> | <i>504.21</i> | <i>233.8</i> |
| <i>Ohio at mouth of Big Sandy, (Caldesburg,) -</i> | <i>500.00</i> | <i>237.0</i> |

MISCELLANEOUS.

| PLACES. | Height above tide. | Distances from Covington. |
|---|-----------------------|------------------------------|
| | <i>Fms.</i> | <i>Miles.</i> |
| Mouth of Camp creek, - - - | 1870.00 | 99.6 |
| Mouth of Piney creek, at New river, - - - | 1194.00 | 100.0 |
| Summit near head of White Stake, - - - | 2388.00 | 104.0 |
| Flat Top, at head of Camp creek, - - - | 2992.42 | 111.3 |
| Summit of Swope's knob, line between Salt Sulphur and Greenbrier river, at Great Bend, - - - | 2125.00 | |

TABLE

Comparative Statement of Distances, measured and equated; Grades, Curvatures and Cost

| DISTANCES AND GRADIENTS FROM COVINGTON TO MOUTH OF GREAT KANAWHA RIVER | | | | | |
|--|----------------------------------|---|------------------|---|----------------------------------|
| LINE No. 1, VIA WHITE SULPHUR, GREENBRIER COUNTY. | | | | LINE No. 2, VIA SALT SULPHUR, MONROE CO. | |
| Grade in Feet per Mile. | Distances in Miles and Decimals. | Radli of Curvatures. | Length in Miles. | Grade in Feet per Mile. | Distances in Miles and Decimals. |
| ASCENDING WESTWARD : | | | | ASCENDING WESTWARD : | |
| 0 to 10 | 15.720 | 5730 feet, | 23.428 | 0 to 10 | 15.720 |
| 10 " 20 | - | 2865 | 31.288 | 10 " 20 | - |
| 20 " 30 | 2.670 | 1910 | 21.269 | 20 " 30 | 6.975 |
| 30 " 40 | 4.167 | 1432 | 18.858 | 30 " 40 | 6.440 |
| 40 " 50 | 1.420 | 1146 | 4.735 | 40 " 50 | 1.136 |
| 50 " 60 | 1.970* | 955 | 2.670 | 50 " 60 | 5.512 |
| 60 " 70 | - | 819 | 0.095 | 60 " 70 | 0.758 |
| 92.8 | - | 716 | 0.568 | 92.8 | 5.833 |
| 105.6 | 5.000 | 637 | 0.606 | 105.6 | - |
| | | Straight, | 125.316 | | |
| DESCENDING WESTWARD : | | | | DESCENDING WESTWARD : | |
| 0 to 10 | 98.019 | Whole distance, | 228.833 | 0 to 10 | 87.417 |
| 10 " 20 | 28.637 | | | 10 " 20 | 24.586 |
| 20 " 30 | 4.773 | N. B. This line was in all other respects so superior to all the rest, that it was not thought advisable to exhibit a table of curvature for the other lines. | | 20 " 30 | 4.449 |
| 30 " 40 | 3.636 | | | 30 " 40 | 2.222 |
| 40 " 50 | - | | | 40 " 50 | 1.610 |
| 50 " 60 | 1.477* | | | 50 " 60 | 1.818 |
| 79.2 | - | | | 79.2 | 8.230 |
| 92.4 | 2.063 | | | 92.4 | - |
| | LEVEL GRADE : | | | | L. GRADE : |
| | 59.261 | | | | 60.549 |
| - | 228.833— | Whole measured distance, - | - | - | 233.956 |
| | EQUATED DISTANCE : | | | | EQUATED DISTANCE : |
| | 249.491 | * Gradients marked * can be reduced to 40-50. | | | 272.343 |
| COST. | | | | COST. | |
| Earthwork, - | - | - | \$909,300 | Earthwork, - | \$896,000 |
| Rock, - | - | - | 637,300 | Rock, - | 706,300 |
| Tunnels, - | - | - | 574,000 | Tunnels, - | 235,000 |
| Masonry, - | - | - | 484,810 | Masonry, - | 470,150 |
| Bridging, - | - | - | 180,540 | Bridging, - | 216,650 |
| Grubbing, - | - | - | 30,000 | Grubbing, - | 21,250 |
| Superstructure and equipment, | - | - | 1,647,597 | Superstruct. and equip- | |
| 10 per cent. contingencies and eng'g, | - | - | 446,355 | ment, - | 1,679,145 |
| Total cost, - | - | - | \$4,909,902 | 10 per ct. contingencies and engineering, | 432,350 |
| Cost per mile, - | - | - | \$21,456 28 | Total, - | \$4,646,125 |
| | | | | Cost per mile, - | \$19,919 |
| | | | | * Exclusive of additional capital to transport on the additional distance, (see Report of 1851.) \$437,967. | |

II.

on the Principal Lines surveyed for a Railroad from Covington to the Ohio River.

DISTANCES AND GRADIENTS FROM COVINGTON TO THE MOUTH OF BIG SANDY RIVER.

LINE No. 3, VIA WHITE SULPHUR SPRINGS & BIG SCARY CREEK.

| Grade in Feet per Mile. | Distances in Miles and Decimals. |
|--|-------------------------------------|
| ASCENDING WESTW'D: | |
| 0 to 10 | 13.146 |
| 10 " 20 | 1.691 |
| 20 " 30 | 5.496 |
| 30 " 40 | 6.613 |
| 40 " 50 | 5.042 |
| 50 " 60 | 1.970* |
| 105.6 | 5.000 |
| DESCEND'G WESTW'D: | |
| 0 to 10 | 101.863 |
| 10 " 20 | 31.409 |
| 20 " 30 | 6.635 |
| 30 " 40 | 7.832 |
| 40 " 50 | 0.660 |
| 50 " 60 | 1.477* |
| 92.4 | 2.063 |
| LEVEL GRADE: | 46.075 |
| Whole measured distance, | 236.992 |
| Distance equated by Greenbrier route, | 264.810 |
| Distance equated by Monroe route, | 287.661 |
| Gradients marked * can be reduced to 40-50. | |

LINE No. 4, VIA POTTS' CREEK & DRY FORK OF SANDY RIVER.

| Grade in Feet per Mile. | Distances in Miles and Feet. |
|---------------------------------|---------------------------------|
| ASCENDING WESTW'D: | |
| 0 to 20 | 7 3460 |
| 20 " 40 | 37 110 |
| 40 " 60 | 22 3840 |
| 80 " 90 | 8 2966 |
| DESCEND'G WESTW'D: | |
| 0 to 10 | 86 2104 |
| 10 " 20 | 28 5100 |
| 20 " 40 | 19 3680 |
| 40 " 60 | 4 460 |
| 60 " 80 | 2 240 |
| 80 " 90 | 11 100 |
| 100 " 120 | 3 160 |
| 120 " 130 | 2 1440 |
| LEVEL GRADE: | 49 742 |
| Whole measured distance, | 290 3282 |
| Equated distance, | 417 3810 |

N. B. The increase of distance by equation of grades is occasioned by the necessity for passing in succession four high mountains.

| COST. | |
|------------------------------------|---------------------|
| Earthwork, | \$ 959,850 |
| Rock, | 647,100 |
| Tunnels, | 598,000 |
| Masonry, | 469,245 |
| Bridging, | 173,120 |
| Grubbing, | 30,050 |
| Superstructure and equipment, | 1,706,342 |
| 10 per ct. contingenc's and eng'g, | 458,370 |
| Total cost, | \$ 5,042,078 |
| Cost per mile, | \$ 21.275 |

| COST—(Approximate.) | |
|-------------------------------------|--------------------|
| Grading and masonry, | 2,557,585 |
| Tunneling, | 126,000 |
| Bridging, | 401,425 |
| Grubbing, | 32,000 |
| Superstructure and equipment, | 2,179,550 |
| 10 per ct. contingencies and eng'g, | 529,656 |
| Total cost, | \$5,826,216 |
| Cost per mile, | \$ 20.489 |

TABLE

Comparative Statement of Distances, Gradients, Curvature and Cost on the Covington and Ohio Railroad, between the Mouth of Scary Creek and the Ohio River.

| LINE FROM SCARY TO MOUTH OF GREAT KANAWHA RIVER. | | LINE FROM SCARY TO MOUTH OF BIG SANDY. | |
|--|----------------------------------|--|----------------------------------|
| Grade in Feet per Mile. | Distances in Miles and Decimals. | Grade in Feet per Mile. | Distances in Miles and Decimals. |
| Level grade, - | 26.818 | Level grade. | 13.632 |
| Ascending westward, 0 to 10 | 5.644 | Ascending westward, 0 to 10 | 3.070 |
| Descending westward, 0 to 10 | 7.462 | 10 to 20 | 1.691 |
| | | 20 to 30 | 2.886 |
| | | 30 to 40 | 2.446 |
| | 39.924 | 40 to 50 | 3.623 |
| Radius of Curvature in Feet. | Length in Miles and Decimals. | Descend'g westward, 0 to 10 | 11.306 |
| Straight line, - | 29.470 | 10 to 20 | 2.782 |
| 5730 ft. rad. - | 9.242 | 20 to 30 | 1.862 |
| 2865 " - | 1.212 | 30 to 40 | 4.186 |
| | 39.924 | 40 to 50 | 0.660 |
| | | | 48.083 |
| SUMMARY OF COST. Earthwork, - - 136,050 Rock cutting, - - 7,000 Masonry, - - 55,580 Bridging, - - 31,760 Grubbing and clearing, - 2,750 Superstructure and equipment, 287,453 10 per ct. contingencies and eng'g, 52,059 Total cost, - - \$ 572,652 Being \$14,344 per mile. | | Radius of Curvature. | Length in Miles and Decimals. |
| | | Straight line, | 34.033 |
| | | 5730 | 2.917 |
| | | 2865 | 1.818 |
| | | 1910 | 4.091 |
| | | 1432 | 1.852 |
| | | 1146 | 0.999 |
| | | 955 | 0.644 |
| | | 819 | 0.858 |
| | | 716 | 0.523 |
| | | 637 | 0.355 |
| | | | 48.083 |
| SUMMARY OF COST. Earthwork, - - 186,600 Rock cutting, - - 16,800 Tunneling, - - 24,000 Masonry, - - 40,015 Bridging, - - 24,340 Grubbing and clearing, - 2,800 Superstructure and equipment, 346,198 10 per ct. contingencies and eng'g, 64,075 Total cost, - - \$ 704,828 Being \$14,659 per mile. | | | |
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III.

Comparative Statement of Distances and Cost on the Covington and Ohio Railroad, between the Narrow Falls of New River and the Ohio River, at the Mouth of the Great Kanawha.

| LINE ON THE SOUTH BANK OF KANAWHA. | | | | LINE ON THE NORTH BANK OF KANAWHA. | | | |
|------------------------------------|---|---|--------------------|------------------------------------|---|---|--------------------|
| SUMMARY OF COST. | | | | SUMMARY OF COST. | | | |
| Earthwork, | - | - | 292,500 | Earthwork, | - | - | 390,600 |
| Rock cutting, | - | - | 64,400 | Rock cutting, | - | - | 58,100 |
| Masonry, | - | - | 146,000 | Masonry, | - | - | 174,168 |
| Bridging, | - | - | 88,960 | Bridging, | - | - | 63,060 |
| Grubbing and clearing, | - | - | 5,000 | Grubbing and clearing, | - | - | 3,500 |
| Superstructure, | - | - | 669,974 | Superstructure, | - | - | 679,637 |
| 10 per ct. contingenc's and eng'g. | - | - | 126,683 | 10 per ct. contingenc's and eng'g, | - | - | 136,906 |
| Total cost, | - | - | <u>\$1,383,517</u> | Total cost, | - | - | <u>\$1,505,972</u> |
| Being \$14,868 14 per mile. | | | | Being \$15,948 81 per mile. | | | |
| Whole distance, | - | - | 93.052 miles. | Whole distance, | - | - | 94.394 miles. |

Excess of cost on the North Bank, \$122,455, exclusive of the greater damage to the Salines on the north side, and the unavoidable cost of bridging the Kanawha, whether it be necessary to connect with the improvements of Ohio, or those of Kentucky at the mouth of Sandy.

Excess of Distance on the North Bank, ONE AND ONE THIRD mile.

Richmond, May 18th, 1852.

CHARLES B. SHAW, C. E.

The notes of the operations, of which these tables shew the main results, are contained in 58 field books of transit and compass surveys, levelings and topography. The surveys are illustrated in a general map on a scale of 15000 feet to one inch, and in more than 100 topographical sheets on the scale of 800 feet to the inch. These last sectional maps and the accompanying profiles, tables of cut and fill, with the various solids of excavation, embankment and masonry, in appropriate calculation books, will furnish ample information for the prosecution of the work, whenever it shall be thought expedient.

Frequent and well described bench marks will facilitate at any future period the retrace of the lines.

From inspection of these tables it must be evident that line No. 4 (the Potts' creek and Sandy line) is undeserving of consideration. A modification of that route might substitute a portion of line No. 2, and give a crossing of the Alleghany 330 feet lower, and reduce the grades within reasonable limits, but would, in that case, add many miles to the distance, which is already 53 miles greater from Covington to the mouth of Big Sandy than that by line No. 3. As the summits are printed in *italics*, it will be seen that all four are crossed by this line, and that each is higher than the Alleghany mountain on either line No. 1 or No. 2. In reference to the survey from the neighborhood of Tazewell courthouse to near the Horseshoe on New river, it is not worth while to encumber this report. It seems sufficient to say, that the result of that survey has fully sustained the judgment of the engineers of the Virginia and Tennessee railroad in giving that road another direction.

The line designated as No. 4 in this report, could never, in my opinion, be expedient, were there no objection in grade and distance, as it pursues nearly a parallel course for 50 miles, at the distance of from 23 to 30 miles, with the Virginia and Tennessee railroad.

Line No. 2, through Monroe county, has three summits, it will be seen, not suitable for tunneling. Each of these, after reduction by cutting, as far as economical, will be more than 300 feet higher than the grade summit at the Alleghany tunnel on line No. 1, which will be but 2130 feet above tide. These three summits, and the consequent undulations of the line on No. 2, occasion a virtual increase of distance on that line in addition to the actual difference in measured distance in favor of No. 1. An equation of distance for grade (see Appendix A, Report February 5, 1851,) shews an excess of equated distance over line No. 1 of 22.851 miles. This excess of equated distance will be seen in the comparative tabular statement. Line No. 2 will cost less to construct to the mouth of Greenbrier river than line No. 1, but will require an addition of capital to the amount of \$437,000 to transport over the excess of equated distance (or what is the same thing, to overcome the equivalent gradients) 25,000 through passengers and 60,000 through tons per annum. Any addition to this amount of trade must add proportionably to the capital required to transport. That such an increase in the estimated amount of trade is almost certain, may be ascertained by reference to a statement in my report of January last, shewing that, on the most important of the northern

railways, the actual traffic in 1848 exceeded that estimated before their commencement from 31 to 280 per cent. The Erie railroad alone did more business than all the important railways of New York and New England together, only four years since. The Hudson river railroad is transporting more than 3000 passengers daily, or more than 1,000,000 per year, though during the past year 955,000 were conveyed on steamboats.

A very small difference in the physical difficulties of two routes becomes a difficulty of great magnitude where the trade is great. Hence I consider that route No. 2 must become, with every increase of the trade and traveling, more inferior to route No. 1.

If however, from any motive of state policy, it should be thought expedient to construct a railway on line No. 2, it is but fair to say that it will compete advantageously for the traveling with its great rival, the Baltimore and Ohio railroad. I do not mean by this remark to qualify the preference I feel for route No. 1 through Greenbrier county. The competition of railway lines on every side makes it unsafe, in my opinion, to concede anything, and indispensable to get that line which shall under all future circumstances be pronounced the best.

Line No. 1, then, being the route by way of Dunlap's creek, the White Sulphur springs, Greenbrier, New and Kanawha rivers, to the mouth of Scary creek, seems demonstrably the shortest in measured as well as equated distance, the best in grade, and the cheapest to construct and work.

Between the mouth of Scary creek it becomes a question whether the railway shall keep down the valley of the Great Kanawha to its mouth, or cross the country to Guyandotte, and be thence extended to the mouth of Big Sandy river.

The two first columns of table III elucidate this question. The distance to the mouth of Kanawha is $39\frac{2}{10}$ miles, $29\frac{4}{10}$ miles of the distance being straight, $9\frac{1}{4}$ miles with a curvature of one mile radius, and no radius less than one half mile. Of the $39\frac{2}{10}$ miles $26\frac{3}{10}$ are level, and no grade in either direction will exceed 10 feet per mile.

On the line from Scary to the mouth of Sandy the distance is 48 miles, 34 miles being straight. On the remaining 14 miles the curves vary, as will be seen from a radius of one mile to a radius of 637 feet, or what is known as a 9° curve. The level grade is but $13\frac{2}{10}$ miles, and grades of every variety exist between 0 and 50 feet to the mile, which is the unavoidable limit in both directions.

The relative cost is—

| | | | |
|----------------------------|---|---|------------|
| To the mouth of Kanawha, | - | - | \$ 572,652 |
| or \$ 14,344 per mile. | | | |
| To the mouth of Big Sandy, | - | - | 704,328 |
| or 14,659 per mile. | | | |

Having reference then only to cost and to economy of transportation, there cannot be two opinions in regard to the great superiority of the line down the great Kanawha to its mouth. Any claim to preference on the part of the Sandy river termination must rest on other grounds.

If the proposed railroad were to derive its chief revenue from freights, the question might be debateable. The advocates of the Sandy terminus allege very truly that boats cannot frequently ascend higher than Guyandotte. Those in favor of the Kanawha terminus contend that such conditions of the Ohio water do not take place at the season when trade is most active, in the spring, and fall or winter. They may well insist on the shorter distance from Scary to the mouth of Kanawha, and that up river freights will cost no more delivered there than 50 miles lower at Sandy or Guyandotte; that the superiority of the Kanawha line for cheap traction would enable them to carry freight at lower rates.

My own reflections on the probable character of the traffic on this road have led me to the belief that the revenue will be derived rather from passengers than tonnage, and that the terminal tonnage traffic will bear but a small proportion to that of a local character.

The coal and salt of Kanawha destined for Cincinnati or New Orleans will not probably take the railroad at all; that destined for a market in Eastern Virginia will not be affected by the question of the western terminus. A portion of the freight business, we may admit, and I think a very small portion of it, may be lost by terminating at the mouth of the Kanawha.

But how will the passenger traffic be affected? Two lines are now contemplated and actually commenced between Cincinnati and the country near the mouth of the Great Kanawha. The Cincinnati and Maysville railroad is proposed to be extended from Maysville to the mouth of Sandy: at that point it would meet the Big Sandy branch of the Virginia road. The Cincinnati, Hillsborough and Parkersburg railroad is probably by this time completed to Hillsborough. Vinton, a point in their line, is 18 miles from Point Pleasant, and under the present charter of the last named company a connection can be formed with the Kanawha branch of our road. The road through Kentucky is some 20 miles the longest, but avoids crossing the Ohio as far as the Kentucky connection is regarded: it must be crossed to connect with the Great West, either at Cincinnati or at Point Pleasant. The argument of Mr. Childe, the engineer of the Maysville and Sandy road, only applies to Kentucky.

I believe I risk but little in predicting that of these two roads—the one through Ohio and the other through Kentucky—the former will be the first completed. I will, however, suppose both completed and in use. Mr. Childe's report compares two routes on the Maysville and Big Sandy road—one with a grade of 70 feet per mile at a maximum and one with a maximum grade of 15 feet—and shews the maximum load of a 24 ton engine, at 10 miles per hour, to be 353 tons nett on the latter, while it is but 119 tons nett on the former. On arriving at the mouth of Sandy, however, all this advantage would be lost, as the limiting gradient on the road from Big Sandy to the mouth of Scary is 50 feet per mile.

An engine whose maximum load was 100 tons on the route from Sandy to the mouth of Scary, could draw 236 tons from the mouth of Kanawha to the same point. Hence, either for freight or passen-

ger traffic, the Kanawha connection would be the most economical, and were both the Kentucky and Ohio roads completed, as I have supposed, and in operation, the superior economy of the Ohio connection would give it the advantage. As to the question whether the determination of Virginia to favor one or the other of these routes may not extinguish the rivalry of the other, if it were possible to suppose such a case, the state would have to decide whether the limited trade of Kentucky deserved to be weighed with the traveling of the growing West and the trade of the eastern portion of Ohio. The revenue of a branch to Sandy must be limited by what it can derive from Kentucky alone. Everything south of Kentucky will be attracted into the sphere of the Virginia and Tennessee, the Charleston and Cincinnati, or the Mobile and Ohio railroads, or will take the river. I cannot resist the conviction that the mouth of the Kanawha is the most advisable terminus at present, and with reference to the future competition of other lines. The Sandy branch may also be worth constructing, but it certainly is not so evidently a remunerating project as the line to the mouth of Kanawha.

I have no right to withhold an opinion I am employed to give, and I therefore, without reservation, state that all my calculations and reflections have resulted in the conviction, that the best and most practicable route for a railroad from Covington to the Ohio river is by way of the White Sulphur springs, down Greenbrier and New rivers, to Kanawha, and by the south bank of the latter stream to its mouth.

It will be seen by table III, that a railway on the south bank of Kanawha is $1\frac{1}{2}$ miles shorter than on the north bank, and will cost \$122,455 less, independently of the damages to the north side Salines, amounting no doubt to \$200,000 more. Supposing then, route No. 1 of table No. II to be established as the preferable route, the estimate for construction and equipment, it will be seen, is \$4,909,902. The details of the estimate for each division of this line will be found in appendix B to report of February 5, 1851, and in appendix A of report of January last.

In the first named paper is a general estimate for stations and equipment. It must be understood that the number of engines, cars and wagons is based on the supposition of 25,000 through passengers and 60,000 through tons per annum, and that the movement of the traffic is regular. An increase of the traffic or the provision to be made for any desultory movement will necessitate an increase of the estimate for equipment to the extent of one or two hundred thousand dollars. Such augmentations of stock must be dictated by necessity.

The line recommended has but a *single summit* between the James and Ohio rivers—an advantage not possessed by any rival line—and one which well adapts it for the description of power proposed to be used, viz: assistant locomotives to aid the trains when necessary in passing the summit.

As this will be the first railway of the kind in Virginia, and such an application of power has already elicited much discussion, it seems to be appropriate here to demonstrate the working of the proposed line; in doing which the quantity and kind of stock necessary for any assumed trade will become evident.

Remarkable obscurity exists in the minds of many people—even of some whose business it is to know better—in regard to the power of a locomotive. Some maintain that *weight* is power, as though the power of a dead elephant were comparable to that of a living horse. Weight in a locomotive engine is of the same use as in animal power, viz: to prevent slipping in the effort to propel or drag a load. A light animal, however vigorous, may be unable to draw his load until weight is placed upon him to increase the adhesion of his feet; but when that is done, the load drawn will not depend upon the weight on his back, but on his own vigor. So weight is of no advantage in a locomotive engine beyond the point which will prevent the slipping of the wheels. The true power of a locomotive engine is in the capacity of its fire grate and general heating surface; or briefly, in its ability to convert water into steam. It is true, that a great evaporating power will require either large cylinders or a very rapid motion of the pistons. In either case, the energy of the motion will require strong and unwavering connections to transmit it to the load. Hence, in some sense, an increase of power unavoidably carries with it an increase of weight. Comparatively light engines are however capable of great effort, and modern improvements have been made by which very great economy has been introduced into their management. An engine of a given power now requires but *one-fourth* of the fuel requisite in 1838. This important fact, with the detail of the successive steps by which this economy was accomplished, may be found in Weale's Steam Engine, Locomotive Department.

The chief improvements introduced were an increase in the size of the steam and exhaust ports, and an adaptation to the engine of an expansion gear, by which the lap of the slide valve might be evacuated at pleasure, and the steam cut off at any desirable point of the piston's motion, and allowed to act expansively. It is evident that, with an engine of great evaporating power, the steam must be afforded a rapid admission into the cylinders, and as rapid an exit from them, which can only be done by ports of large area.

An interesting table of the dimensions of the passenger and freight engines, which competed in a trial of power and speed on the Boston and Lowell railroad in October last, will give some idea of what is meant. This table, and a table of the performance of the different engines, will be found annexed.

Table of Dimensions of the Locomotives entered for Trial of Speed and Draught, (as furnished by Contributors.)

| NAMES OF ENGINES. | Cylinder connections. | Diameter of cylinder. | Length of stroke. | Diameter of boiler. | Length of boiler. | Number of tubes. | Length of tubes. | Diameter of tubes. | Area exposed to contact of heated air. | Length of fire box. | Width of fire box. | Height above grate-bars of fire box. | Fire surface of fire box. | Total effect fire surface. | Area of grate. | Diameter of chimney. | Height of chimney above smoke arch. | Height of chimney above rail. | Steam pipe. | Induction ports. | Exhaust ports. | Diameter of blast pipe. | Diameter of pump. | Length of stroke. | No. of driving wheels. | Diameter of ditto. | No. of carrying wheels. | Diameter of ditto. | Diameter of truck wheels. | Weight of engine in working trim. | Ditto empty. | |
|----------------------------------|-----------------------|-----------------------|-------------------|---------------------|-------------------|------------------|------------------|--------------------|--|---------------------|--------------------|--------------------------------------|---------------------------|----------------------------|----------------|----------------------|-------------------------------------|-------------------------------|-------------|------------------|----------------|-------------------------|-------------------|-------------------|------------------------|--------------------|-------------------------|--------------------|---------------------------|-----------------------------------|--------------|-------|
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| MtA. | Outside. | 13 1/2 | 30 3/8 | 11 3/4 | 12 1/2 | 88 | 10 8 | 10 8 | 2 | 1104 | 3 1/2 | 3 7 1/2 | 88 | 1172 | 11 1/2 | 14 | 5 7 | 13 3 | 52 1/2 | 7 1/2 x 1 1/2 | 7 1/2 x 1 1/2 | 3 1/2 | 2 1/2 | 2 1/2 | 7 | 6 | 4 0 | 0 | 4 6 | 2 6 | 38800 | |
| Addison Gilmore, (W. E. R.) | Outside. | 13 1/2 | 36 5/8 | 12 1/4 | 12 1/4 | 196 | 10 8 | 10 8 | 2 | 1104 | 3 5/8 | 3 | 88 | 1172 | 11 1/2 | 14 | 8 0 | 16 0 | 10 1/2 | 5 x 1 1/2 | 10 x 1 1/2 | 3 1/2 | 2 1/2 | 2 1/2 | 7 | 6 | 4 0 | 0 | 4 6 | 2 6 | 40885 | |
| Neponset. | Inside. | 14 1/2 | 20 43/64 | 11 | 12 1/2 | 123 | 11 | 11 | 2 | 680 | 2 11 | 4 3 | 59 | 679 | 8 1/2 | 14 | 5 6 | 13 6 | 3 1/2 | 9 x 1 | 9 x 1 | 3 1/2 | 1 1/2 | 1 1/2 | 20 | 4 | 5 6 | 0 | 4 6 | 2 6 | 43776 | |
| Highlander. | Inside. | 14 1/2 | 18 1/4 | 9 | 14 1/2 | 9 | 11 1/2 | 11 1/2 | 1 1/2 | 530 | 4 8 | 3 2 | 59 | 589 | 8 1/2 | 14 | 6 0 | 13 6 | 3 1/2 | 9 x 1 | 9 x 1 | 3 1/2 | 1 1/2 | 1 1/2 | 18 | 6 | 4 0 | 0 | 4 6 | 2 6 | 40015 | |
| Deedham. | Inside. | 9 | 16 3/8 | 8 | 11 1/2 | 8 | 11 1/2 | 11 1/2 | 1 1/2 | 331 | 1 8 | 2 8 | 3 1 | 363 | 4 1/2 | 10 | 7 6 | 13 3 | 3 | 7 1/2 x 1 1/2 | 7 1/2 x 1 1/2 | 3 | 1 1/2 | 1 1/2 | 16 | 2 | 4 6 | 0 | 4 6 | 2 6 | 23350 | |
| Addison Gilmore, (C. & P. E. R.) | Inside. | 16 | 20 4 1/2 | 11 | 15 1/2 | 11 | 15 1/2 | 15 1/2 | 2 | 3 1/2 | 3 6 | 5 6 | 22 | 363 | 4 1/2 | 14 | 4 6 | 13 0 | 3 | 12 1/2 x 1 1/2 | 12 1/2 x 1 1/2 | 3 1/2 | 2 1/2 | 2 1/2 | 7 | 4 | 6 6 | 0 | 4 6 | 2 6 | 16320 | |
| Nathan Hale. | Inside. | 16 | 20 4 1/2 | 11 | 15 1/2 | 11 | 15 1/2 | 15 1/2 | 2 | 637 | 3 6 1/2 | 4 10 | 56 1-9 | 693 1-6 | 10 1/2 | 15 | 4 4 | 13 0 | 5 | 12 x 1 1/2 | 12 x 1 1/2 | 3 1/2 | 2 1/2 | 2 1/2 | 5 | 4 | 5 6 | 0 | 4 6 | 2 6 | 47086 | |
| Union. | Inside. | 16 | 20 | 10 6 | 12 1/2 | 10 | 12 1/2 | 12 1/2 | 2 | 3 | 3 6 | 4 6 | 61 1-18 | 760 | 10 1/2 | 14 | 5 6 | 13 3 | 3 1/2 | 11 x 1 1/2 | 11 x 1 1/2 | 3 1/2 | 2 1/2 | 2 1/2 | 8 | 4 | 5 6 | 0 | 4 6 | 2 6 | 46950 | |
| St. Clair. | Inside. | 15 | 20 4 1/2 | 10 10 | 13 1/2 | 13 1/2 | 13 1/2 | 13 1/2 | 1 1/2 | 694 | 3 4 1/2 | 3 10 | 61 1-10 | 691 1/4 | 10 1/2 | 15 | 5 0 | 12 6 | 3 1/2 | 11 x 1 1/2 | 11 x 1 1/2 | 3 1/2 | 2 1/2 | 2 1/2 | 6 | 4 | 6 0 | 0 | 4 6 | 2 6 | 48650 | |
| Essex. | Inside. | 15 | 20 4 1/2 | 10 10 | 13 1/2 | 13 1/2 | 13 1/2 | 13 1/2 | 1 1/2 | 630 | 3 4 1/2 | 3 10 | 61 3-10 | 691 1/4 | 10 1/2 | 15 | 5 0 | 13 3 | 3 1/2 | 11 x 1 1/2 | 11 x 1 1/2 | 3 1/2 | 2 1/2 | 2 1/2 | 6 | 4 | 6 0 | 0 | 4 6 | 2 6 | 48770 | 48900 |

These dimensions were furnished by the contributors. It is regretted that in some instances the schedules are deficient.

PASSENGER ENGINES.

| Name of Engine. | Weight in lbs. | Effective pressure, lbs. to sq. inch. | 1st Mile. | 2d Mile. | 3d Mile. | 4th Mile. | 5th Mile. | 6th Mile. | 7th Mile. | 8th Mile. | 9th Mile. | Total. | Observed time. | Correction. | Corrected time. |
|-----------------------|----------------|---------------------------------------|-----------|----------|----------|-----------|-----------|-----------|-----------|-----------|-----------|---------|----------------|-------------|-----------------|
| Neponset, | 43,775 | 97 | 2,43.3 | 1,32.4 | 1,26.7 | 1,28.8 | 1,30.6 | 1,30.6 | 1,33.7 | 1,26.9 | 1,24.4 | 14,36.4 | 876".4 | -71" | 805" = 13' 25" |
| Nathan Hale, | 47,095 | 99 | 2,22.1 | 1,21.4 | 1,15.6 | 1,16.7 | 1,18.3 | 1,20.6 | 1,23.4 | 1,19.2 | 1,18 | 12,56.3 | 775.3 | -25" | 750.3 = 12,30.3 |
| Addison Gilmore, (W.) | 50,885 | 84 | 2,25 | 1,22 | 1,15.3 | 1,11.6 | 1,11.5 | 1,12.5 | 1,14.8 | 1,13.3 | 1,12.2 | 12,18.2 | 738.2 | -48.3" | 689.8 = 11,29.9 |
| Union, | 46,990 | 97 | 2,55 | 1,35.2 | 1,24.8 | 1,22 | 1,20.8 | 1,23.2 | 1,25.8 | 1,21.2 | 1,19.6 | 14,07.6 | 847.6 | -39.0 | 808.6 = 13,28.6 |
| Addison Gilmore, (M.) | 46,320 | 124 | 2,32 | 1,29.8 | 1,21.4 | 1,18.8 | 1,17 | 1,18.6 | 1,19.9 | 1,21.5 | 1,20.9 | 13,25.9 | 805.9 | +59.6 | 865.5 = 14,25.5 |
| Essex, | 48,470 | 100 | 2,42 | 1,37 | 1,28 | 1,29 | 1,30.5 | 1,32.9 | 1,41.6 | 1,20.5 | 1,26.7 | 14,48.2 | 898.0 | -14.8 | 873.2 = 14,33.2 |
| Dedham,* | 25,350 | 105 | 2,25 | 1,20 | 1,15 | 1,16 | 1,15 | 1,23 | 1,21 | 1,22 | 1,23 | 12,57 | | | |

* A small tank engine not competing for the prize, and loaded only with 18 tons.

FREIGHT ENGINES.

| | Weight in lbs. | Scale Pressure—lbs. to sq. inch. | | Observed time. | Correction. | Corrected time. |
|-------------|----------------|----------------------------------|----------------------------------|----------------|-------------|-----------------|
| | | Weight in lbs. | Scale Pressure—lbs. to sq. inch. | | | |
| Milo, | - | - | - | 678" | -35.5 | 642.5 = 10,24.5 |
| St. Clair, | - | - | - | 601 | +54.3 | 654.3 = 10,54.3 |
| Highlander, | - | - | - | 784 | -25.4 | 758.6 = 12,38.6 |

It will be remarked that the Addison Gilmore, from the Western railroad, which obtained the first prize among the passenger engines, had an effectual fire surface of 1172 feet, nearly double of that of the Nathan Hale, which took the second prize. The Gilmore weighed 50,000 pounds, the N. Hale 46,320 pounds. The Gilmore's steam ports had an area of $11\frac{1}{4}$ square inches. The steam ports of the Hale were 15 square inches, and her eduction ports were 30 square inches. The size of the eduction ports of the Gilmore does not appear in the table.

The load drawn by each engine was 85 tons gross. The Gilmore ran the 9 miles in 738 seconds, and the Hale in 775 seconds. A correction of the running time, according to a formula previously arranged, and which had reference to the weights of the engines and to the different pressures of steam under which the engines ran, gives 689 seconds as the time of the Gilmore, and 750 seconds as that of the Hale. The load, 170,000 pounds, divided by the time of each engine, will give the relative performance of each. This is 246 for the Gilmore, and 226 for the Hale. These two numbers are in almost the exact relation of the weights of the two engines. Without further enquiry, the idea of the power being in proportion to the weight would seem to be sustained. But it must be remembered that the fire surface of the Gilmore was 1172 feet, while that of the Hale was but 695 feet. With such an immense evaporating power the Gilmore ought to have performed much better, and would have done so but for the insufficient size of her steam ports. That part of the running expense of the Gilmore due to fuel, being in proportion to the evaporating power, must have been 60 per cent. greater than that of the Hale, while the work done was but 8 per cent. more. The inference to be drawn is, that the steam and exhaust ports of the Gilmore were not in proportion to her effective fire surface. Probably from insufficient size in the exhaust port to allow of the rapid venting of the steam, there was a resistance on the exhaust side of the piston sufficient to neutralize the advantage of a great evaporating power; and the engine was, during the trial, blowing off at the safety valve steam which it was unable to exhaust in the working.

Though the rules of the trial gave the first prize to the Gilmore, the Hale must be pronounced the better engine—capable of doing more work in proportion to the running expenses, original cost and weight, and doing less injury to the way than the heavier engine. Her model seems to be more worthy of imitation.

Among the freight engines the Milo obtained the first prize, the St. Clair the second. The Milo weighed but 38,900 lbs., and the St. Clair 48,650 lbs. The weight drawn was equivalent to 650 tons gross, and the distance 9,100 feet. The Milo's time corrected was $10' 42\frac{1}{2}''$ and the St. Clair's $10' 54''$. Again—dividing the load by the time, the work done by the Milo is more than 2 per cent. greater than that done by the St. Clair, though her weight is nearly 10,000 lbs. less. The St. Clair, in the size of her cylinders, her steam and exhaust ports and the number of her fire tubes, was well proportioned for speed, had her wheels been of large diameter. Her model would indicate

rather a passenger than a freight engine. Slow speeds do not require such powers as she possessed for the exhaustion of steam. The Milo's success seems to be owing to her operating with all her wheels coupled, thus securing the entire adhesion due to her weight; to a proper proportion of the valves and blast pipe, and to the pressure under which she worked. Her performance renders her model worthy of note.

I will recapitulate the performance of the two engines, the Nathan Hale and the Milo; and, after comparing these trials with De Pambour's theory, will proceed to apply his formula to the calculation of the working of passenger and freight engines on the Covington and Ohio road.

The Nathan Hale, passenger engine, weighing 46,320 lbs., with 16 inch cylinders and 20 inch stroke of pistons, with wheels of $6\frac{1}{2}$ feet diameter, four of these drivers, and evaporating power equal to 81 cubic feet per hour, drew 85 tons over 9 miles in 750 seconds—being at the rate of $43\frac{2}{3}$ miles per hour. Pambour's formula, as may be ascertained by any one disposed to repeat the calculation, shews that at a velocity of 30 miles per hour, this engine should draw $109\frac{1}{2}$ tons.

A 60 passenger car, with its load of passengers, weighs $9\frac{1}{2}$ tons; and a freight or baggage car of $4\frac{1}{2}$ tons weight will carry 8 tons baggage. Four passenger cars loaded and one baggage car, making an entire weight of $50\frac{1}{2}$ tons, are less than one half the load such an engine could propel at a speed of 30 miles per hour *on a level*.

Between Point Pleasant and the White Sulphur springs the maximum grade is 20 feet to the mile. This will reduce the power of an engine about 50 per cent. Consequently, four cars carrying 240 passengers and their baggage will be the load of an engine from Point Pleasant to the White Sulphur springs.

At that point some increase commences in the steepness of the gradients—not yet requiring the use of assistant power—but that will be the most convenient place for its adoption, being 3 miles from the western base of the Alleghany.

There will be no absolute necessity for assistant power except for express trains; as the engine above described, with its speed diminished to 12 miles per hour, could propel, up a grade of $105\frac{1}{6}$ feet per mile, 58 tons—rather more than its travelling load. With the same speed it could propel 70 tons against a 92 feet gradient; and with its speed diminished to 10 miles per hour, its load on the 105 feet grade would be 75 tons. It has not yet been determined whether a grade of $92\frac{1}{6}$ or $105\frac{1}{6}$ feet per mile should be adopted on the western incline.

No increase in the power of the engines will be necessary between Covington and the eastern base of the Alleghany; the occurrence of an occasional 50 feet gradient adverse to the motion westward will only occasion a temporary diminution of speed.

By the formula of De Pambour, a freight engine similar to the Milo should draw, on a level, 567 tons gross, at the rate of 10 miles per hour. On a grade of 50 feet it will draw 131 tons; on one of 80 feet, 94 tons, and on the grade of $105\frac{1}{6}$ feet per mile, 71 tons.

Freight engines of 20 tons weight, working under a pressure of 100 lbs. in the boiler, will propel against 50 feet gradients 180 tons gross or 120 tons nett at 10 miles per hour. Two engines daily from Covington to the top of the Alleghany could transport thither with the aid of the assistant engine 240 tons. If each engine made two trips, the tonnage westward would be 480 tons. The daily duty of the freight engines would then be 80 miles; that of the assistant engine 20 miles loaded, and 20 empty, as the trains will descend the inclines by simple gravitation. From the foot of the western incline, a single freight engine will do the duty of two engines on the eastern side of the Alleghany, whether the motion be eastward or westward.

The duty of a single freight engine should not much exceed 100 miles per day. Hence there should be a station at Bowyer's ferry on New river, about 100 miles from the White Sulphur springs. The next stage should reach the mouth of the Kanawha. The average daily tonnage traffic estimated as sufficient to authorize this work is 200 tons, about 60,000 tons per annum. Doubling the trips from Covington to the mountain top would provide for an occasional movement thither of 480 tons daily. A spare freight engine should be kept at the White Sulphur springs, one at Bowyer's ferry, and one at the Ohio river. Seven freight engines would thus be required to provide for unequal movements of the trade, or for its increase.

A passenger traffic of 25,000 through per annum will give an average of 80 per day for 313 days or 40 each way daily. A single engine, it will be seen above, will convey 240 passengers. Two stages for engines between Covington and the Ohio will require an intermediate station for passenger engines about midway, at Bowyer's ferry. Two engines must be kept on each section or four regular engines altogether. There must be a spare passenger engine at each end of the line, and one at the middle station, with a machine shop at each station for repairs. There will then be requisite seven passenger engines, which will provide for the daily transit of 480 passengers—six times the estimated number. At the same time there will have been provision made for the daily tonnage traffic of 960 through tons—being nearly five times the estimated amount. If present provision were to be made for all this traffic in goods and passengers, the estimate for running stock submitted last year must be enlarged, and will stand as follows:

| | | | | |
|--|---|---|---|--------|
| Passenger engines, 7, at \$ 7,000, | - | - | - | 49,000 |
| Freight engines, 7, at \$ 7,000, | - | - | - | 49,000 |
| Assistant locomotives, 3, at \$ 9,000, | - | - | - | 27,000 |
| Passenger cars, 12, at \$ 2,000, | - | - | - | 24,000 |
| Freight cars, 125, at \$ 600, | - | - | - | 75,000 |

| | | |
|--|---|-------------------|
| Total stock to provide for annual transit of 150,000 through passengers and 240,000 tons freight, | - | <u>\$ 224,000</u> |
|--|---|-------------------|

The estimate for the minimum travel of 25,000 through passengers and 60,000 tons freight, was \$120,000.

It would be well to enlarge the gross estimate for the work, by addition of the excess. It will then be \$ 5,033,902.

I have made various calculations to demonstrate the safety of trains in descending steep inclines by the action of gravity, assisted by brakes. John Bourne, editor of a treatise on the steam engine by the Artisan club, states the atmospheric resistance to be from 12 to 15 pounds per ton, at a velocity of 30 miles per hour. The united resistances of gravity and friction would, in that case, amount to about 20 pounds per ton, or 1 in 100; and it would be in equilibrium with the gravitating force of a plane having that inclination, or 52.8 feet per mile. On such a plane, when the velocity had reached 30 miles per hour, it would not increase, but continue uniform to the bottom. On the steep incline of 105.6 feet to the mile, the remaining resistance would be accomplished by the action of brakes. In the same way, the motion would become uniform on 40 feet grades at about 25 miles per hour, and on 25 feet grades at about 12½ miles per hour.

Any velocity, however, exceeding 15 or 20 miles per hour, would not be advisable, as the truth of any such calculation will depend on the friction being as great as 8 pounds per ton.

That the friction is much less than this, may be easily shewn. An application of De Pambour's formula to the actual circumstances of the Nathan Hale, in the trial on the Lowell road, taking the velocity as it actually was, and a friction of but 8 lbs. to the ton, shews, that the load should have been 71¾ tons only, instead of 85 tons.

The formula cannot be made to apply but by a change of the coefficient for friction to 5 instead of 8. It will then give about 85 tons.

To obviate all distrust, however, in relation to the safety of descent on inclines, I will again quote from the report of the board of trade to parliament on that subject, viz:

"The Lockey incline, on the Birmingham and Gloucester railway, is a conclusive proof that a gradient of 1 in 37½ (nearly 141 feet to the mile,) for a length of 2 miles 3 chains, may be worked, by the aid of an engine constructed for the purpose, without serious inconvenience to an extensive traffic. It is also a proof that such an incline may be descended without danger by the force of gravity regulated by the action of brakes."

A brief summary of the various advantages possessed by the proposed line of communication will close this report.

1. It has but a single summit between the Eastern and Western waters, an advantage possessed by no other route.

2. In connection with the Virginia Central road it is shorter than any other railway communication to Richmond, and better, I feel convinced, in grade, though the comparison has not been made with the Virginia and Tennessee railroad as yet.

3. Its average distance from the 10 principal watering places of Virginia, towards which the traveling both now and in all time to come, must be directed, is but 8.4 miles. By the Kanawha extension of the Virginia and Tennessee railroad, the average distance to the same 10 places of resort is 50.6 miles.

4. It is 110 miles shorter from Cincinnati to Washington city by this route than by the Virginia and Tennessee road, and certainly some miles shorter in actual measured distance to Washington by

the line of the Virginia Central and the Orange and Alexandria railroad than by the Baltimore and Ohio railroad.

5. In the goodness of its grades and superiority of its climate, it will present less obstacle to traveling even in the direction of Baltimore, and to that place.

6. It is the cheapest mode by which the James river and the Ohio can be connected, costing, as my last report proved, \$5,820,000 less than the proposed water line, or less than one-half such an improvement; and being necessary to provide for an actual want, viz: the traveling from the boundless West to the Atlantic.

7, and finally. This as a commercial railroad, from its connection with the canal, and its presenting the very shortest communication between the West and the Atlantic, will enable it advantageously to compete with any Northern improvement. To facilitate this latter object—indeed to secure it—nothing is necessary but a railroad to York river.

After the very ample discussion this project has undergone at the hands both of friends and enemies, I commit it to its own merits and to the tribunal who will have to decide on its destiny.

I remain, with highest respect,

Your obedient servant,

CHAS. B. SHAW, C. E.

Richmond, May 24th, 1852.

[DOC. No. LXXXII.]

EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE SUBJECT OF

THE PUBLIC PRINTING.

1852.

EVIDENCE.

JOHN B. COLIN—EXAMINED.

By Mr. Staples :

Are you acquainted with the practical operation of printing?

I am.

What do you think the extra printing could be done for per 1000 ems?

I think it could be done for 50 cents, for plain work.

What for rule and figure work?

The practice has been to charge two prices.

Explain the meaning of the term token, and what would be the price of printing and dry pressing?

Ten quires are a token. We charge nothing for dry pressing.

How do you make out your accounts—in gross, or how?

The extra work is charged according to the labor performed. In the extra work the paper is charged, and the press work; there is no charge for composition.

I desire to know if you specify the charges.

An estimate is made of the number of ems and the quantity of press work.

You think, then, 50 cents per 1000 for plain, and double price for rule and figure work, reasonable compensation?

Yes, sir.

By Mr. Ritchie :

What did you charge me for work?

Fifty cents.

Did you give any bond?

No, sir.

Did I not give my personal attendance to reading proof sheets?

Yes, sir.

By Mr. Bottom :

How long were you the partner of Mr. Shepherd, the late public printer?

I don't recollect: some eight or ten years, perhaps.

What were the prices received during that time for the extra printing done for the legislature?

Sixty-two and a half cents.

Did you consider these prices too high during that time?

They were considered fair at that time.

Did those prices yield more than a reasonable profit for the labor performed, after paying necessary expenses?

I don't know that they did; but there is more public printing done now than was then, and the facilities for doing printing now are greater.

What do you mean by the facilities?

The improvement in presses.

By Mr. Ritchie:

Did you not have the same presses when Mr. Shepherd had the printing?

The last year or two we did.

By Mr. Bottom:

Are not the prices as high now as they were ten years ago?

Yes, sir.

Are paper, house rent, &c. cheaper than when Mr. Shepherd had the public printing?

Paper is cheaper; house rent is about the same.

By Mr. Dunnivant:

What is the difference in the cost of the new press and the old style of presses?

I don't know. I have never bought one of the new presses.

Independent of the cost, does it not take as much money to keep one running as the old style of press?

Yes; but they do three or four times the work.

By Mr. Bottom:

What was the public printer's salary up to the time of the adoption of the new Code?

Two thousand six hundred dollars.

Did not you and Mr. Dunnivant make separate calculations as to what would be a fair price for the work to be done under the salary of the new Code?

Mr. Dunnivant asked my opinion as to what should be the price for the 950 copies of the laws, some of the printing for the offices, the binding, &c. Nothing was said about the fairness or unfairness of the salary—merely as to what was the worth of the extra work.

Did not you and Mr. Dunnivant differ in the amount to be added to the old salary of \$2,600: you making it \$2,200, and Mr. Dunnivant \$2,690; and did not Mr. Dunnivant acquiesce in your calculation of \$2,200—which sum, added to the old salary of \$2,600, makes the present salary of \$4,800?

Yes, sir.

Did your estimate embrace printing authorized to be ordered by section 7 of chapter 173 of the Code of Virginia?

No, sir. The calculation I made was before the passage of the Code. I did not know anything of that printing until Mr. Dunnivant mentioned it to me.

Did Mr. Shepherd, while public printer, ever print the Records of the Court of Appeals?

It was done under the name of Shepherd & Colin.

Did any one print them previously?

No, sir—we were the first. We did it about two and a half years.

Did Mr. Shepherd print the Decisions of the Court of Appeals, known as Grattan's Reports?

That work was always done by the firm—not as public printer.

Have you continued that publication since Mr. Shepherd's death?

They have all been printed at our office since his death.

Do you not think that public printing is worth more than other printing?

In consideration of the quantity and the prompt pay, I think some allowance should be made.

You think it is worth something more?

If I had the same quantity for an individual, and the pay was prompt, it could be done for about the same. Public printing is worth more, because it has to take precedence of everything else. It requires a larger amount of material and a larger office.

Are those all the considerations?

All that I think of.

Is not the quantity of printing on hand always irregular?

Yes, sir—it is the case with all business.

Is it not more frequently the case with the public printing?

I have known the hands in the public printing office to be idle several weeks.

While there is no printing on hand, must not the hands be paid?

That is according to the rule of the office.

The usual mode is by the week—is it not?

In our office the most of the hands are employed by the week.

Have you printed any of Grattan's Reports since Mr. Ritchie has been the public printer?

I completed the contract of Shepherd & Colin, and have printed two volumes since.

What were the terms?

I don't remember now; the contract is on file in the secretary's office.

By Mr. Dunnarant :

In making the last contract about Grattan, what governed you?

There was competition for the work, and we tried to get it.

Do you think, in making the calculation, that you charged more than fifty cents?

I don't feel disposed to answer that question.

By Mr. McDonald :

Do you remember how much was charged per page for Grattan?

I think \$2 25.

You necessarily had to make some calculation by the thousand ems to arrive at the estimate per page.

I don't recollect.

By Mr. Bottom :

Have you printed the proceedings of the James river and Kanawha company the last two years?

Yes, sir.

What did you charge for that printing?

According to the quantity of the proceedings. If large, 50 cents; otherwise, 62½.

When you say 62½ cents, do you mean that for composition and press work too?

I don't know that I have always charged 62½ cents for press work.

What was the reason of the distinction that caused you to charge Mr. Ritchie 50 cents for composition and 62½ cents for press work on the James river report?

In consequence of the small number—only two tokens—500.

By Mr. Dunnivant :

Were you not at that time printing for the James river company, and were you not paid twice?

That was the bargain you made.

Then you got a dollar per 1000 ems for that printing?

I was not *compelled* to do the printing; and you would have done the same.

By Mr. Bottom :

Did you think Mr. Shepherd received too much when he got 62½ cents?

I did not.

By Mr. Staples :

Do you consider that a fair specimen of public printing? [The reference was to a pamphlet printed by Mr. Ellyson, not now in possession of the committee.]

Yes, sir, for that kind. It was not so particular as the public printing. The printing for the senate and house of delegates requires more pains to be taken with it.

Is it worth more to do the printing for the senate and the house of delegates than the court of appeals?

Yes, sir.

I understand you to say you never did the printing of the court of appeals.

Never as public printer.

What difference would you make if you were to contract for the printing of the senate and house of delegates and the court of appeals?

I could not state now.

What difference would you make between this (exhibiting a copy of the Pay Rolls &c.) and this? (exhibiting a copy of Grattan, vol. 6.)

This (Grattan) is done by contract. In making out a bill of that (Pay Rolls) I should charge double price.

G. W. MUNFORD—EXAMINED.

By Mr. Bottom :

Is the public printing done now with as much despatch and as well as when Mr. Shepherd was public printer?

I believe it is, sir.

Are you not of the opinion that all the printing done for the commonwealth, and paid for out of the state treasury, is public work, and should be done by the public printer?

I suppose that when the commonwealth elects a public printer, it is with a view that he should do the work, unless by special law it is given to some one else.

Was not this the custom (at least to a great extent) during the time Mr. Shepherd was the public printer?

It was, with most of the public work. With regard to the Reports, I don't know.

If there was no special law, you think the public printer should be entitled to the printing of the court of appeals?

I should think so.

Do you believe that the journal and laws, which works are done under the salary, will be larger every other year than they would be if printed yearly, as heretofore? Do not all the items of printing done for the salary go on as though the legislature met annually?

It is doubtful whether they would. Under the constitution the session is limited. I have no doubt the documents would be more numerous, and probably longer, but the journal might not be so long. Bills are ordered to be printed after the first reading, and if the legislature adjourns 20 or 30 days sooner, so that these bills could not be acted on, the journal would be so much shorter.

By Mr. Staples :

Do you know the custom with Mr. Shepherd—whether he certified to his account?

The bill generally comes to me, and I examine and see if the printing has been ordered. If so, the speaker orders the bill to be paid.

By Mr. Ritchie :

Have any efforts been made to change the system of doing the public printing?

I recollect something of the sort in your father's time. I am under the impression there have been some since, but don't remember exactly.

By Mr. Staples :

Has any of the printing of the court of appeals, to your knowledge, been given to the public printer in his official capacity?

Not that I know of.

JOHN B. COLIN—RECALLED.*By Mr. McDonald:*

Was the printing for the court of appeals given to Shepherd & Colin as the lowest bidder, or were there any other bidders?

The law requires that the secretary of the commonwealth shall contract, and I always was of impression that there were other bidders.

JOHN WARROCK—EXAMINED.*By Mr. Bottom:*

How long have you been the printer to the senate of Virginia?
Somewhere about 35 years.

What have been the prices received by you during that time for the extra printing done for that body?

Sixty-three cents. Some say 62½, but I saw no good reason for splitting a cent.

Do these prices yield more than a reasonable profit?

No—I don't think they do.

Are paper and labor as high now as they have heretofore been?

Sometimes paper is lower, and sometimes higher.

Are your profits now more than they have heretofore been on this work, supposing the quantity of work to be the same?

No, sir.

Do you anticipate and believe that the journals and the laws will be much larger with the biennial sessions of the legislature than they would be with the annual sessions?

I don't know any reason why they should.

Do journeymen printers get more now than formerly?

No, sir. I have paid 3 cents a thousand more.

By Mr. Staples:

If you had double the amount of printing to do that you have, could you afford to do it at less rates per thousand and per token?

I suppose I could.

Do you think you could do it as well as it is done for a less price?

I think that a tolerably fair price.

Do I understand you to say you could do it for less?

For a very large job.

By Mr. Ritchie:

Do you give bond and security?

No, sir. The senate has been very kind to me.

W. A. R. NYE—EXAMINED.*By Mr. Bottom:*

Did you and your partner, Mr. Elliott, become the securities of Mr.

Culley to the bond he gave to the commonwealth for the printing done for the late convention?

Yes, sir, we did.

Did you know that the condition of that bond was that that printing should be done in as good style as the printing done for the legislature by the public printer?

It was so said, I think, sir.

Was this condition of the bond complied with, either in the quality of the paper or the execution of the work?

The principal part of the work was as well done as work had been done heretofore.

You include the quality of the paper and the execution of the work?

Yes, sir.

Did you join in or approve of the course pursued by Mr. Culley, in petitioning the convention to allow the same price for that printing that the public printer received for the legislative work?

I did, sir, for various reasons that might be stated. When the contract was made it was understood he was to get all the work of the convention. He did not get half of it.

Did you or Mr. Elliott either apply to Mr. Culley for your portion, or any portion of this extra allowance? And, if you did make the application, please state what portion you did receive, if any.

We never received any.

Do you believe 62½ cents a reasonable price for the printing of the convention?

Yes, sir. I think as he did not get the work he ought to have gotten, he ought to get a good price for what he did do.

By Mr. Staples:

If Culley had gotten all the work of the convention, could he have afforded to do it at the rates of the contract?

Yes, sir.

Are you a practical printer?

Yes, sir.

What could a man afford to do the public printing for in Richmond; say the printing for the house of delegates?

He could very well afford it for 50 cents.

Are you acquainted with the manner of printing for the court of appeals? What could you afford to do that printing for?

Forty-five cents.

By Mr. Bottom:

Did I understand you to say the printing of the convention was as well done as the public printing?

As well as heretofore.

As well as the printing of the present public printer?

I think it is.

Which do you think the best of these, comparing the materials and the execution? [Here was exhibited the Documents of the House of Delegates 1850-51, and Documents of Convention.]

Taking all things into consideration, I think the Documents of the House of Delegates *rather* the best.

JOHN B. COLIN—RECALLED.

By Mr. Dunnivant:

I want your opinion with regard to the quality of the paper and the execution of this and that. [Documents of House of Delegates 1850-51, and Documents of Convention.]

The convention paper is the whitest, but if I should decide between the two, that of the house of delegates is best.

By Mr. Staples:

Which would last longest?

This: [The Documents of the House of Delegates.]

JOHN C. PAGE—EXAMINED.

By Mr. Bottom:

What prices have been received by the different public printers since your acquaintance with the printing business in Richmond?

When I first went to the business, in 1808, Samuel Pleasants was the public printer, and he received \$1 for plain work, and \$3 for rule and figure work. He received those prices until he died in 1814. At the session of 1814-15, Mr. Thomas Ritchie was elected public printer, and he received the same prices until 1820, when the prices of printing were reduced, and he received, I think, (I am not positive,) 75 cents for plain matter; other work in proportion. After 1820, Mr. Shepherd, who was doing the work, reduced the price to 63 cents. It has remained at that price ever since.

Is not the press of copy sent from the house frequently so great that the public printer is compelled to pay his hands very high extra wages for working extra hours, in order to get the work done in a reasonable time after he receives it?

It is. I know that the public printing office paid last year for several Sundays extra work, and in the week until 12 o'clock at night.

Is not the public printer compelled to pay, very frequently, very high wages for extra work?

Yes, sir; very frequently as high as 30 cents an hour.

Are not the hands who work on the public printing frequently idle for the want of copy, during which time the public printer is compelled to pay them full wages?

Yes, sir.

Is not the public printer compelled to do this, in order to keep his hands together, to meet any press of work that may be sent from the house of delegates?

He is, sir, I should say.

Do you believe that the public work, under these circumstances, pays any better price than regular work would at 45 or 50 cents?

I do not.

Did you ever hear Mr. Shepherd, the former public printer, say that the printing done for the legislature, *unconnected* with other work, was not worth having?

I have frequently heard Mr. Shepherd and Mr. Ritchie (Thomas Ritchie, sr.) say, that if it were not for the extra work in addition to the salary, it would not be worth having. [I mean by "extra" work, work which would come to the office independent of the legislature, by persons bringing it to the office in consequence of its being the public printing office.]

Do you believe that the public printing can be as promptly and as well done as it is now for less than what is now paid?

I don't think it could, sir, from the fact that the hands in the public printing office are often idle three or four weeks at a time. The public printer is compelled, in order to do the work in time, to keep a number of hands always about the office.

By Mr. Staples:

Are you a practical printer, and if so, in whose office do you work? I am, and have worked with Mr. Ritchie ever since he was the public printer.

What do you regard as a reasonable price for doing public printing in as good a manner as it is now done by the present public printer?

I don't think he could do it for less than 62½ cents.

Would you, if you were public printer, surrender the public printing rather than do the same for a price lower than that now paid the public printer?

That would depend upon circumstances a good deal. If there was competition among persons who could give the security, I should be compelled to do it for less in order to keep the work.

By Mr. Dunnivant:

State how long you have been engaged on the public work.

With the exception of short intervals, for 41 years.

If you know anything about the printing of the Records of the Court of Appeals, give us a short history of that work.

At the session of the legislature 1841-'42, a law was passed authorizing the clerk of the court of appeals to have this work printed under certain regulations. A short time after, Judge Cabell, president of the court of appeals, and Mr. Allen, went to Shepherd's office and enquired what the work could be done for? Mr. Shepherd told him what he would do the work for; but before giving the work out, the president of the court wrote to some gentleman in Boston carrying on the printing, (I don't know who he was,) to New York, Philadelphia, Baltimore and Washington, making the same enquiry, as to what the work could be done for? They received answers from those gentlemen, that they would do work of that description for \$1 per page, plain matter; a price and a half for rule or figure work, and for rule and figure work, double price. Mr. Shepherd, who was at that time public printer, in order to keep the hands that he had in the public office, undertook the work at, I think, 83 cents a page. He continued

to do the work until 1844, when there was some misunderstanding between him and Mr. Allen, the clerk of the court, and Mr. Allen issued proposals for printing the Records. Mr. Shepherd said he had no right to issue proposals, as the work belonged to him as the public printer, and the law had given the clerk no authority to put it out at contract. The work being taken from Mr. Shepherd, Mr. Bernard and all the printers of Richmond put in proposals, and Mr. Ellyson got it. Mr. Shepherd threatened to sue the commonwealth for damages, because the clerk had taken the work out of his hands, which threat he never carried into execution. From the manner in which the work is done, the commonwealth and the parties litigant save nothing, because the clerk receives so much for every printed page delivered, and it would make no difference if the printing was done for \$1 or \$1 50 a page.

What does the clerk get per page for the work?

I dont know, but I understood from Mr. Shepherd that the clerk gets \$1 25 per page.

Do you think that 66 cents a page yields a living profit to the printer?

He might live by it, but could never make a fortune at it.

Do you think 66 cents a page would compensate the public printer, when you consider the time lost by his hands?

I don't think he would make any money by it.

Taking into consideration the cost and the wear, do you think type as cheap now as formerly?

I do not. They do not cost as much, but they do not last as long.

Do you know of any improvement in printing, except in presses?

No. I have heard of no improvement in the art of composition, nor do I believe any can be made.

P. D. BERNARD—EXAMINED.

By Mr. Bottom :

Do you know what were the prices paid for extra printing done for the legislature during the time Mr. Shepherd was doing that work?

62½ cts. a thousand and 62½ cts. a token were the prices he frequently told me he received.

Are paper and journeymen's wages cheaper now than they were when Mr. Shepherd was the public printer?

No, sir—I think not. Mr. Shepherd paid the old typographical society's prices, which were 30 cents a thousand. I have always paid that price myself.

Do you know of any reason why the public printing could be done now cheaper than it was then?

I know no reason why it could be done for less.

Did not Mr. Shepherd, when he was public printer, print the Records of the Court of Appeals for several years?

I understood that he did, but did not know it from my own observation.

Did the secretary of the commonwealth ever advertise, or call on you, or any other printer in the city, for proposals to print Grattan's Reports during the time Mr. Shepherd was the public printer?

I have no recollection of his having ever called on me for that purpose.

Is the state printing done as promptly and as well now as it was when Mr. Shepherd was the public printer?

I can't say as to the promptness; but as far as my examination has gone, it is done as well.

DANIEL TRUEHEART—EXAMINED.

By Mr. Bottom:

Were you ever concerned in the public printing?

I was a partner of Mr. Thomas Ritchie, sen., when he was first elected.

Is that work done as well now as it was when you were concerned in the business?

There were two periods of time. About 1819 there were facilities introduced into the printing, which made the work much better, and it has continued so ever since. About the time of the war there was a good deal of difficulty in getting proper materials. A part of the time the work was done by Mr. Shepherd for us, Ritchie & Trueheart.

Are journeymen's wages, paper, &c. as high now as formerly?

I think, from what I recollect, that formerly in some respects, they were a little higher than now.

Do you believe that any printer can do the public printing as well and as promptly as it is now done for less than the present prices?

From the large outlay necessary to get an office to do the public printing as it should be done, I think the present prices are reasonable, and ought not to be reduced.

By Mr. Staples:

The labor of composition is the same now as formerly—is it not? There has been no improvement.

P. D. BERNARD—RECALLED.

By Mr. Bottom:

Do you know anything of an improvement in printing presses by which four times the amount of good book work can be done now as formerly?

I do not. The improved Adams press would do about three times as much good book work on large editions (or long numbers) as a hand press, and the Adams press will cost about \$1 or \$2 a day more to work it. An expert pressman would do nearly as much work on a hand press as an Adams press, where the number of copies did not exceed 250 to the form.

What is the difference in the cost of an Adams and a common hand press?

About \$1500.

By Mr. Ritchie:

Are not the Adams presses much more liable to get out of order than the hand press?

I have been told by a machinist in New York that they wear pretty well out in about five or six years—that is, they require a good deal of repair.

By Mr. Dunnivant:

What do you think would be the cost of such an office as the public printer has, and the bindery, to do the public work as it should be done?

I should suppose about \$7000 for the public work simply.

Do you think the Adams press of much advantage to the public printer when he prints say 500 copies of a work.

I should say not. With the Sketches of the Acts, and the Acts themselves, it would be of advantage.

By Mr. McDonald:

If the state did the public work and did nothing else, could it afford to do it at 62½ cents?

That would depend entirely upon the qualifications of the superintendent in the office.

ROBERT S. REDFORD—EXAMINED.

By Mr. Bottom:

Are you the foreman of the public printer's office?

Yes, sir.

Did you not work for Mr. Shepherd for several years while he was doing the public printing?

I worked many years for Mr. Shepherd, whilst the public printing was being executed by him. He was in the habit of employing as many hands as he believed he would need to assist about the public printing, early every fall. His practice was to continue these hands in his service until the end of the then ensuing session of the legislature, extending sometimes into the month of April. Since Mr. Shepherd's death, in 1849, I have been employed in the office of the present public printer, who has pursued up to this time the same course relative to the employment of hands that was pursued by Mr. Shepherd. Since I have been employed by Mr. Ritchie, I have known him to have nothing for his hands to do for several weeks together during the session of the legislature—and I have known this to be the case several times during the same session. It is his custom to employ hands by the week, and to pay them every week from the time they begin on the work for the legislature in the fall until its adjournment—when not at work as well as when at work. I have frequently heard Mr. Shepherd say that he considered himself obliged to adopt this course relative to the employment and pay of his hands, in order to enable him to comply with his obligations to the common-

wealth. I have also heard him say the public printing was very poor pay. Both in the course of the last session and the present, I have known the hands employed by the present public printer to be idle in the day, and to be employed at a very late hour at night on documents ordered by the house of delegates, whose rules require the printing and delivery without delay of all its documents sent to the public printer by its clerk for that purpose. The hands invariably charge, for all work done by them after the arrival of their regular hour for stopping work, within a fraction of double the amount per hour that they receive for work done by them in the day.

It is reasonable to suppose, and I believe very generally admitted, that printers cannot do as much composition by night in an hour as they can by day in an hour. I, for one, am entirely certain that I cannot; and I have over and over again heard others make the same admission. According to this state of things, from which the public printer is not at any time exempt during the session of the legislature, he must frequently be *compelled* to pay such prices for the execution of his work as to *force* the conclusion on all reflecting minds, that after his disbursements shall have been deducted from his receipts, the balance left will be so entirely small as to leave but a faint hope on his part of doubling his money at this sort of game, without a considerable change of luck.

It may not be amiss here to say that the public printer is compelled to keep on hand a vast quantity and variety of both type and other materials useful *only* in public printing—or should any of this great surplus be at any time otherwise needed, the occasions are so rare as scarcely to be worth mentioning.

I hope it may be particularly understood, that all I have already said is intended to relate exclusively to the composing room. That being as it were the feeder—for none will I know even pretend to say that any of the documents for the house of delegates are pressed off, folded or bound in any very large numbers previous to having been dealt with as the law directs in the composing room. It has been named by witnesses that the facilities lately introduced into the press department ought to operate to lessen the prices in *every* department. This can only apply to press work, and then only on works on which large numbers of copies are required—say from five to ten thousand—often repeated. Now we all know that the small number of 500 copies is the number usually struck off on the documents, &c. for the house of delegates. Sometimes—but *very rarely*—some few additional copies are ordered, scarcely ever, however, amounting to anything worth mentioning—for retrenchment seems to have gone far beyond its beginning in this particular in that branch of the government.

I have taken some pains to find out what has been usually paid for public printing in this state to printers elected by the senate and house of delegates, and by the several state conventions which have assembled according to law for the purpose of revising the state constitution.

I say I have used every means truly to ascertain what has been the very least amount paid to printers thus elected or employed, and I

have been unable to discover the slightest trace of evidence that less than the prices now allowed the public printer were ever paid to any public printer since the foundation of the government.

Mr. Culley, it is true, did *contract* to do the printing for the convention of 1850-'51 for less than the prices the public printer is allowed. But before the adjournment of the convention, Mr. Culley petitioned for an increase of compensation, which was granted, on the express condition that the secretary should not allow Mr. Culley's bill unless certified to by two firms, who were at that time, and who now are, carrying on the printing business in the city of Richmond, and who can be queried on the subject, if what I have said and shall say should seem unreasonable.

Messrs. Colin & Nowlan, whose ability to pronounce judgment in the case, no one would dare to doubt—for Mr. Colin at least, as we all know—and in fact, heard him say in evidence here—was engaged for a long time with Mr. Shepherd in conducting the public printing, whose signature Mr. Culley was compelled to have to his account before he could claim the additional compensation, so generously allowed him by the convention—I say Messrs. Colin & Nowlan, who were with others called on by Mr. Culley to certify to his claim against the commonwealth for the printing done by him for the late state convention, and who were, besides others, competitors of Mr. Culley for this same printing—after having by a very strict examination of every page printed by Mr. Culley, and with the most perfect knowledge of the fact that Mr. Culley had charged precisely the same prices allowed to the present public printer, whose work no one will deny compares very favorably in every particular with the very best of the work done by Mr. Culley, and which was admitted by Mr. Nye, (who executed some of the work,) whose evidence was given in some few days since,—to be *rather* better than that contained in Mr. Culley's bound copy of the Documents—I say, after all sufficient knowledge and reflection on the part of Messrs. Colin & Nowlan, who, let me repeat, stand high in the community in which they live, as printers who possess the means of being thoroughly acquainted with the printing business in every possible particular, signed Mr. Culley's bill, so far as I, who was an eye-witness, was able to discover, without the slightest hesitation, believing, I have no doubt, that what they did for Mr. Culley was nothing more nor less than placing their certificate to what were fair and reasonable prices charged by that gentleman for all the work done by him for the late constitutional convention.

Very shortly after this kind and just act on the part of these gentlemen and others, Mr. Culley obtained the full amount of the compensation allowed him by the generous body for whom he had faithfully labored up to the final termination of its protracted session. Taking into consideration the recency of this transaction—happening about the time of the commencement of the public printer's labors on the reports intended to be handed in at the beginning of the present session of the legislature—and also taking into consideration the additional fact that the public printer entertains at least as much fear of a conflagration as Napoleon entertained of one before he arrived at

Moscow—and knowing that if a fire should happen previous to the completion of the documents remaining in his office sometimes until in fact after he commences documents for a subsequent volume—I say, taking all these things into consideration—and also the fact, which cannot fail to strike every one, that it would be equally as obligatory on the printer to furnish these documents to the members of the legislature as soon after completion as called for—and of the utter impossibility of his doing so without being subjected to a tedious and costly republication of the entire edition—producing a loss which no insurance, either in this country or any other, possible by him to be effected, would cover. No insurance, I sincerely believe, could begin to relieve him of the loss to which he would be subjected under these circumstances—enough, in fact, to ruin almost any common man—for every one will admit that the public printer might search America, Europe, Africa, and might extend his search into Asia, and even into every part of the world, and would start home with as little hope of obtaining these documents as Napoleon entertained of conquering Russia when he left Moscow soon after the conflagration before alluded to. And let me repeat, that taking *all* these things into consideration, the conclusion is irresistibly *forced* upon my mind, that the idea never was *seriously* entertained by any one that the present public printer ought to be allowed less compensation for his services than that which has been uniformly paid to *all* of his predecessors—and in fact, I have been unable to persuade myself that it would not be an exceedingly pure act of justice on the part of the general assembly to *increase* his pay.

W. A. R. NYE—RECALLED:

By Mr. Bottom:

Did you put in proposals for the last volume of Grattan's Reports?
Yes, sir—I did.

Do you recollect the price per page?

I do not. I think somewhere in the neighborhood of \$1 70 cents.
Not over that.

Do you know how it was that it was given to Colin & Nowlan for \$2 25, when you had proposed at \$1 70.

I have never made any enquiries about it. A few days after I put in the proposition, I saw General Richardson, who said it had been given out.

By Mr. Culley:

When we did the convention printing, did we not always get the best paper to be had at the Richmond mill?

Yes.

Could we have obtained better paper without sending to the North for it?

I do not think we could.

Didn't the convention documents exceed, so far as the paper was concerned, what was expected at the commencement of the session?

I think they did.

Is it at all times possible to obtain as good paper at the same price as can be obtained at other times?

Of course not, as the price of paper fluctuates as does the price of everything else.

Did not the orders for printing for the convention come in so fast at times as to prevent our sending North for the paper? And were not the documents required with as little delay as possible?

As to the first part of the question, I answer they did. The last part there is no necessity for, as the public documents have always to be done in as great a hurry as possible.

H. K. ELLYSON—EXAMINED.

By Mr. Staples:

Do you print the Records of the Court of Appeals—if so, how long have you had the contract for said printing—how many copies of each record—and at what price per 1000 ems and token?

I now print the Records of the Court of Appeals, and have printed them since May 1844, to the present time. Eleven copies of each record are printed. The price per 1000 ems, at which I do this work, is 40 cents, and I make no additional charge for paper, press work or folding and stitching. If these were charged for at 40 cents per token for press work, and the customary prices for paper, folding and stitching, the price per 1000 ems for printing the Records would be about 86 cents.

If in printing a record, blank pages occur, is it your custom to charge for the blank pages?

I do not charge for blank pages occurring in the Records, or for a whole page, when only a part of it is filled with reading matter.

What do you charge per 1000 ems for rule and figure work?

One-third more for rule and figure work.

What is the aggregate amount of printing annually executed for the court of appeals?

The amount of printing last year, from May 1850 to May 1851, was \$3,571 85; the amount for the current year ending the 15th of next month, will be about \$3,300. Since the organization of the special court of appeals, I have been required to do not less than \$3,000 worth of printing per annum, and as much more as might be ordered.

If for that amount of printing for which you are now paid 40 cents per thousand ems and nothing for press work, you were paid 62½ cents—the price paid the public printer—what additional sum would you receive, or in other words, what sum is annually saved to the commonwealth on this amount of printing in the difference between your rates of charges and those of the public printer.

The total sum saved to the commonwealth per annum, on \$3,000 worth of Record printing, which is about the amount annually done now, in the difference between 40 cents per 1000 ems (my price) and 62½ cents, (the price of the public printer) is, \$1,687—that is, for

\$3,000 I print 7,500,075 ems, while for the same number of ems the public printer charges \$4,687. If, however, you take into consideration the fact, that I make no charge for press work, paper, stitching and folding, and that for all these items the public printer receives additional pay, the total sum saved to the commonwealth in printing the Records of the Court of Appeals, (at the prices I charge, instead of those charged for other work by the public printer,) is upwards of \$1,800 per annum.

Are the prices paid by you to your workmen the usual prices paid in other printing offices in this city?

I employ the best workmen, and pay them the prices established by the Richmond typographical society, which are the prices paid in all the offices of this city.

At what prices per thousand ems and per token would you be willing to undertake all the printing done for the commonwealth?

I would undertake to do all the public printing at 40 cents per 1000 ems and 40 cents per token. Having had an experience of nearly eight years in doing the Records of the Court of Appeals at 40 cents per 1000 ems, and being still desirous of retaining this work at that price, I can have no hesitation in saying that I will do all the public printing at the above prices; especially when it is well known that the work designated as "public printing" is far more desirable than the Records of the Court of Appeals.

Would you at those prices do the work as well it is now done, and furnish ample security for its faithful performance?

I would, at the prices above mentioned, do the public printing in as good style as it is now done, and give bond with ample security for the faithful execution of the contract. I would, moreover, before commencing the work, deposit with the clerk of the house of delegates specimens of the style in which I proposed to do it, and whenever any part of the work done should fall below the specimens, I would bind myself to forfeit the whole cost of such work.

Please examine documents Nos. 24, 27, 32, 36, 37, 38 and 43, which have been printed for the house of delegates during the present session, and say what number of blank pages or parts of pages have been unnecessarily introduced, and whether a smaller number of pages, without any detriment to the typographical neatness of the documents—and if so, upon what number of pages the said documents could have been printed?

The documents Nos. 24, 27, 28, 34, 36, 37, 38 and 43 are spread over about 100 pages. The matter of these documents could be reduced so as not to occupy more than from 43 to 50 pages, and this reduction, instead of injuring the appearance of the work, would, in my opinion, very much improve it.

Who gave you the contract for printing the Records of the Court of Appeals?

The judges of the court of appeals.

Did not the clerk of the court of appeals object to Shepherd's having the printing for the court of appeals while he was public printer, upon the ground that the public printing during the session of

the general assembly interfered with the prompt execution of the work?

Mr. Allen has in conversation remarked to me that the principal objection to the public printer having the Records was, that during the sessions of the legislature, when Mr. Shepherd done the Records, they were laid aside to make place for the public printing, and privileged cases, which were required to be printed in a hurry, were delayed.

Are not the facilities of printing greater now than they were some years ago?

Yes, sir.

Explain in what way they are greater.

There have been no improvements in the last five years. In the last fifteen years there have been improvements in printing presses, by which a greatly increased number of tokens are printed per hour.

By Mr. Ritchie:

Have you not made several attempts to get the public printing, and did you not place on the desks of the members a printed paper-offering to do it for less?

I have never made an attempt to get the public printing, and so far from it, informed the chairman of this committee, in the first conversation held with him on the subject referred to the committee, that it was not my purpose in any manner to interfere with Mr. Ritchie as public printer, or to hold out any inducements to the legislature to take it out of his hands; but that my only object in laying certain facts before him was to retain the contract for printing the Records of the Court of Appeals. In the printed paper referred to in the question, so far as I recollect at the present time, without having it before me, no proposition was made to do the public printing, or, if made, it was a mere incidental allusion in the argument employed to convince the legislature that the resolution then before the house on the subject of the public printing ought not to pass.

By Mr. Redford:

Suppose document No. 40, for instance, ending on signature 5, contained 5 pages, according to the general rules of printing, how many pages would you charge?

I believe the rule in some offices is to charge for 8 pages when the form makes 5. It is not my custom, however, in printing the Records of the Court of Appeals, to charge for more than 5 pages; and it is a general rule with me, in work done for private customers, to charge for only 5 pages.

Is it not an express stipulation, in the contract for the printing of the Records of the Court of Appeals, that no blanks shall be charged; and was not that one of the conditions on which the contract was given to you?

So far as I recollect the literal terms of the contract, nothing is said in regard to blank pages, and that was not one of the conditions on which the contract was given to me, so far as I now recollect. But I

refer the committee, for information on this question, to the contract itself, on file in the clerk's office of the court of appeals.

Do you consider you have a right, according to the understanding with the clerk and judges of the court of appeals, to charge for the blank pages?

Not having at any time charged for the blank pages, I do not think that I would have a right to do so.

To secure the contract, was not a proposition of the kind referred to made?

I have already answered that question; but reply further, that I do not believe any such proposition was made. I would state further, that the contract was awarded me for printing the Records of the Court of Appeals as the lowest among several bidders, and that the contract was drawn up in accordance with my bid.

Would you consider that you had violated any understanding with the clerk, or with the judges of the court of appeals, or your contract, if you were now to charge for blank pages—that is, according to your understanding of the proposals previous to making the bid?

There was no understanding between the judges of the court of appeals, or the clerk of the court of appeals and myself, so far as I recollect, in regard to blank pages, or any other matter not specifically embraced in the contract. Subsequently, there was a verbal modification of the contract in regard to figure work, which modification required, that whenever the nature of the figure work allowed, 600 words should be put on a page. If there were fractional parts of a page, under this modification, I only charge for the fraction; that is, I charge a moiety if it is half a page or less, but if one line more than half a page, the full page is charged.

By Mr. Staples:

Do you consider yourself at liberty, under the original contract and the verbal contract, to charge for blank pages; or do you consider that, under that verbal contract, each page of it contains printed matter under the amount of a half page, only a half page is to be charged for, and if there is one line over a half page of printed matter, then the whole page is charged for?

I answer the first branch of the question, by saying that according to the original contract requiring 600 words on a page, no page would be paid for which did not contain 600 words, on which it was possible to get 600 words. I answer the latter branch, yes.

JOHN NOWLAN—EXAMINED.

By Mr. Staples:

Were you ever employed as a practical printer in the office of Mr. Shepherd, the late public printer? If so, how long?

Yes, sir—ten years.

How many journeymen were employed by Mr. Shepherd during

the period in which the legislative printing was executed, and how long were they generally engaged on the work?

Some four, five or six hands, probably seven months.

Taking into consideration the large amount of public printing annually done, the desirable nature of the work, and the certainty of prompt payment, do you not believe that a printer could better afford to do it at 50 cents per thousand ems and 50 cents per token, than transient private work at these rates?

Certainly.

At what prices per thousand ems and per token did Colin & Nowlan print Mayo's Guide?

About 50 cents?

Was it not a handsome and profitable job, compared with the Code?

Yes, sir—very good. Not so profitable compared with the Code, but equally as good in execution.

Have you not reason to believe that most of the printers of this city do work at the price of 50 cents per thousand ems and 50 cents per token?

I believe that about the average price—some do it at 40 cents; others as low as 38 cents; and some as high as 62 cents.

Have you any knowledge of the prices charged at the office of the public printer for other work than that done for the commonwealth; or has any one in the course of your business, on any occasion, been underbid for any work in which you were the competitor of that office; and, if so, at what prices did you propose to do such work?

I agreed to do some press work for Mr. Ellyson at 40 cents per token. I was underbid by Mr. Dunnivant, who got the work.

One of the witnesses examined by the committee has stated that the prices paid the present public printer are the same that were paid in 1820–21. Do you not believe that printing can be done cheaper now than in 1820?

Yes, sir.

Have you made any estimate of the cost of printing 10,000 copies of the Code of Virginia, finished in all respects in the style in which it was done by Mr. Ritchie? If so, state the result of that estimate.

I thought it could be done for \$2 per copy. I made a rough estimate.

Do you think you would, at \$2 per copy, make a fair compensation?

Yes, sir.

What is the standing of Mr. H. K. Ellyson as a printer? How does his work compare with that done by other printers in the city?

He stands as high as any other printer, and his work compares well and is as well done as any work in the city.

Do you not believe that Mr. Ellyson, from his knowledge of the printing business, and his pecuniary ability, would be able to execute the public printing in as good style and as promptly as it is now done?

Yes, sir.

By Mr. Dunnivant :

What was the difference between the number of tokens on the public work and on that I did for Mr. Ellyson?

The difference is 49 tokens on each form.

The public work is book work, and that done for Mr. Ellyson is newspaper work—is it not?

Yes, sir.

Is the public work done at all hours when ordered?

Yes.

Are you aware that the work I do for Mr. Ellyson is done monthly?

Yes.

Was it to be done at my leisure?

I did not so understand it.

What difference would you make in undertaking to do the public work with two tokens on a form, which work must be done at all times when ordered by the house, and in a monthly newspaper publication that was to be done at leisure?

About 15 or 20 cents per token.

What did you charge Mr. Ritchie for printing the report of the James river and Kanawha company?

50 cents per token.

Is the account (marked F.) of the firm of Colin, Baptist & Nowlan reasonable and fair?

It is fair, under the circumstances.

Were you not printing that document for the James river and Kanawha company at the time you printed it for Mr. Ritchie?

Yes, sir.

Do you recollect the prices charged the James river and Kanawha company for printing that document?

I think 50 cents per 1000 ems.

Was the same type not standing at the same time you charged Mr. Ritchie 50 cents?

Yes, sir.

By Mr. Bottom :

Are you certain Colin, Baptist & Nowlan charged the James river and Kanawha company 50 cents, or less than 62, for composition?

I am not certain.

What kind of press did Messrs. Colin, Baptist & Nowlan have at the time the aforementioned printing was done for Mr. Ritchie?

An Adams press.

Are you certain that you did not receive less than \$1 per thousand ems for printing the aforesaid document?

Yes; 50 cents each.

You say that you believe that 62½ cents per token for press work was fair, under the circumstances—what were those circumstances?

The circumstances were, that Mr. Ritchie received that price.

Upon the same principle, why was it not just and reasonable that you should not have charged Mr. Ritchie the same price for all press

work done for him from the death of Mr. Shepherd until Mr. Ritchie got an office of his own?

That seems to have been a detached job, and was not done with all the public printing.

What is the standing of Mr. Bernard as a printer and a man?

As high as any other printer in Richmond, or any other man.

When you made your calculation for the printing and binding of the 7th and last vol. of Grattan's Reports, (which estimate was \$2 25 per page,) what was your estimate for composition and press work? Was it less than 62½ cents?

Yes, sir.

Did you certify the accounts of Mr. Wm. Culley for the printing done for the convention?

Yes, sir.

Did you examine thoroughly and critically the documents printed by him for the convention, before certifying his accounts?

Yes, sir.

What did you think was a reasonable compensation for printing done by him for the convention?

About 50 cents for composition and press work.

Did you certify that 50 cents was a reasonable compensation for printing done by Mr. Culley for the convention?

No, sir. I did not.

What did you certify was a reasonable compensation?

I did not certify that anything was a reasonable compensation.

What did you certify?

I certified that was the price paid to the public printer.

Were you not called upon to certify what was a reasonable compensation for work done by Mr. Culley for the convention?

No, sir.

You say you have examined the work done by Mr. Culley for the convention. Was it as well done as the public printing, and should the same prices be paid for it?

I should say not, either as regards the quality of the work or price that should be paid for it.

By Mr. Staples:

Would you make a considerable difference between the prices paid for a large job and those paid for a small job?

Yes, sir.

Would you not be willing to do a large job of work on cheaper terms than a small job?

Yes, sir.

Is not the labor necessary to perform the composition work of a newspaper as great as that to perform the composition work of a public document?

Yes, sir.

By Mr. Redford:

In newspaper offices generally are men to be found who are superior rule and figure hands?

No, sir.

Are newspaper hands generally competent to do such work as the public printer is compelled to have executed?

No, sir.

By Mr. Ritchie:

Do you regard the work done for the convention as a large or small job?

I regard it as a medium job.

By Mr. Staples:

Is it not necessary that monthly publications should be issued promptly?

I only know from our own experience. We publish one, and we have to be very prompt.

By Mr. Ritchie:

How many pages do you regard a large job?

Two thousand pages.

By Mr. Culley:

Were not the principal documents placed in the hands of the public printer by the governor some time before the legislature met while Mr. Shepherd was public printer?

Yes, sir.

Did not the public printer have ample time to put them in good style before the legislature met?

Yes, sir.

Did not the late state convention adjourn from October to January following, in consequence of not having the requisite statistical matter before them?

Yes, sir, they did adjourn.

When they reassembled in January, were full returns of the census received by the 1st auditor?

I do not know.

By Mr. Redford:

Suppose you were to undertake a job of the size of the Documents of the House of Delegates, on which only 500 copies were to be printed, and should receive the copy in detached parts—say from 8 to 10 pages at a time—sometimes more and frequently less—and should have had your hands employed previous to receiving the work, and bound yourself by a bond similar to the one given by the public printer, to have each part finished and delivered without delay soon after its receipt—and your hands should necessarily for want of the copy—(being paid whether at work or not)—be often kept standing for weeks together—I say, would you consider such a job a large one?

Yes, sir.

WM. W. DUNNAVANT—EXAMINED.

By Mr. Ritchie:

Did you make an estimate for the printing and binding of the 7th and last volume of Grattan's Reports?

I did.

What was the estimate?

I calculated the composition and press work at 62½ cents each—paper at \$4 50 for medium, or \$9 for double medium—with an estimate made by our binder for the binding—and proposed to deliver 1000 copies of that work at \$2 12½ per page.

WILLIAM CULLEY—EXAMINED.

By Mr. Staples:

At what prices did you contract for the printing for the convention?

Thirty-five cents per 1000 for plain matter, seventy cents for rule and figure work, thirty-five cents per token—\$2 50 per ream for paper.

Did you apply for increased compensation? And if so, why was that application made?

I presented to the convention a memorial, setting forth certain grievances, stating that in my opinion the convention had violated the contract, in not giving me *all* the printing of the convention. I left it to the convention to do what they might deem expedient in the premises. According to the terms of the contract, I think I was entitled to the printing of the Supplement, which was given to Mr. Gallaher to print. At that time a proposition was made to me to print a newspaper—and by filling out two pages of the paper with the debates of the convention, instead of setting up new matter, I should have been able to realize sufficient to afford me a profit—or I could have adopted another plan, of transposing the matter from the Supplement into the form of a Conventional Register—and by printing an extra number on my own private account, have realized a reasonable profit.

At what prices do you think the public printing can be done for in the manner it is now done, at a reasonable profit?

I think that by a practical printer it could be done, in a style equal if not superior to the congressional printing, for 45 cents per 1000 and token for plain matter, and double for rule and figure work. I do not think, however, that it could be done equal to the work done by Mr. Ritchie for the legislature for that sum. The printing of Mr. Ritchie is certainly of a high order, equal, I think, to any of the best standard works printed at this day. The public printing of Mr. Ritchie could not be done at that price, especially if the blank pages be omitted in the calculation. The blank pages form the only "cream" about the business, and are allowed, I believe, by every public body in the country. It could not be done at that price, unless a considerable portion of the annual documents from the heads of departments should be furnished the printer a short time previous to the meeting

of the legislature. I should say that work similar to the present public printing could not be done for less than 50 cents.

Was the printing you did for the convention equal to that done by Ritchies & Dunnivant for the legislature?

To speak frankly, I do not think that some portion of the convention work was done as well as Mr. Ritchie's, and for these reasons: The convention was a sort of a revolutionary body, upon which little or no calculation could be made. The members came together in October 1850, and found no statistics ready to enable them to proceed to business. They decided upon taking up the basis question *first*. They passed resolutions calling upon the heads of departments for various statistical documents, and then adjourned to the following January. On reassembling, a number of these documents were not completed, to be put into the hands of the printer. When they were completed and handed over to him, he was required to print them in a great hurry. The members were very urgent for them, and seemed to care more for the information they contained than the style in which they were printed. They were gotten out in all possible haste, and therefore were not printed as well as they would have been if I had had ample time allowed me.

Was the paper as good?

Mr. Nye, who did the principal part of the press work, testified that he always procured the best paper that could be had at the Richmond mill. That he could not procure better unless he traded with the Yankees. That the short time allowed for the printing of the documents would not allow him to send to the North. So far as my observation extended, I think he was correct. Some portions of the paper were not as good as that used by Mr. Ritchie since the completion of my printing for the convention.

Have not the prices of type fallen during the last twenty years?

Type of the size of nonpareil has fallen about one-third, and other kinds in the same proportion.

Did you receive anything in advance from the state for printing?

Not a dollar.

Suppose you had covered over the newspaper entirely with printing matter for the convention, do you think you could have made a profit at 35 cents?

By transposing it from the newspaper to the Supplement, I might have made a profit.

By Mr. Dunnivant:

Are type now of as good composition as they were twenty years ago, and do they last as well? Do you not have to renew your fonts of type oftener?

I do not think the type as hard and as durable as they formerly made them. The renewal of the type depends upon the printer.

In the improvement in printing, do you not require a considerable outlay in the variety of type?

Yes, to do the work as well as the public printing is done.

What did you receive for the printing of the convention?

Sixty-two and a half cents for plain work, \$1 25 for rule and figure work, and 62½ cents per token for press work.

By Mr. King :

Has the price of type changed since the convention work was done?
Not to my knowledge.

Without transposing the matter from the newspaper to the Supplement, could you have made a profit at 35 cents per thousand ems for the convention work?

I could not, unless I made the same matter up into book form for future reference, and printed an edition on my own private account.

By Mr. Bottom :

At what time did you enter into the contract with the convention?
About the 24th October 1850.

Was anything mentioned in that contract about the printing of a Supplement?

No. But according to the contract, the printer was entitled to *all* the printing which was ordered by the convention.

What was the language of the contract or resolution on the subject?

The resolution on which the contract was based, says: "All such public printing as shall be ordered by the convention."

When you made the contract, did you anticipate the publication of the debates of the convention?

Yes.

By Mr. Dunnivant :

After the contract was made, did you not call and ask me to take it off your hands?

I asked you if you wanted it, and told you that you might have it.

How long after?

Immediately.

By Mr. Bottom :

Why did you wish to dispose of the contract?

My resources then were extremely limited, and I did not feel certain that I could command resources to go on with the work. I also intended it as a personal favor to Mr. Dunnivant.

Did you consider 62½ cents too much for your work?

I do not under the circumstances.

Do you consider 62½ cents too much for the public printing?

I do not know if it is. It is necessary to have good practical printers, and persons familiar with the proceedings of the legislature, so as to read the proof sheets. It requires attainments other than mechanical.

By Mr. King :

Have journeymen's wages been reduced, and has the price of paper changed, since the convention printing was done by you?

Since that time, the wages of journeymen have been fixed by their association, and are a trifle higher than at that time. The price of paper may now vary a trifle from the price then. I have had to pay higher a trifle for paper than I did then.

By Mr. Bottom:

What do you think an average price for ordinary book printing for individuals?

From 45 to 50 cents.

What is the lowest and what is the highest range for such book printing?

Not lower than 40, and not higher than 50 cents.

By Mr. Dunnivant:

Do you not think that ordinary book printing, at 40 or 50 cents, pays as well as the legislative work at 62½ cents?

I do not.

ROBERT S. REDFORD—RE-EXAMINED.

By Mr. Dunnivant:

Do you not think that ordinary book printing, at 40 or 50 cents, pays as well as the legislative work at 62½ cents?

Taking everything into consideration, it pays better. The payment of hands, (frequently doing nothing,) whom you are compelled to have, takes away a good deal of the profit of the public printing.

What has been the situation of the public printing office for the last five or six weeks?

The amount of money paid out in the composing room alone, over which I have charge, in the last six weeks, was upwards of \$ 800, for hands engaged to do the public work. The amount of the public work actually done, I would estimate, would be about one-fourth of that sum.

JAMES GUEST—EXAMINED.

By Mr. Staples:

Are you a practical printer, and at whose printing office were you last employed, and in what capacity, and for what length of time?

I furnished Mr. Dunnivant with a list for the materials of the office, and worked there from the time Mr. Ritchie was elected public printer up to the last of June 1851.

By Mr. Ritchie:

Did you not have complete control of the typographical part of the office when you were there?

No, sir. In other words, the business was not carried on as I wished it.

By Mr. Staples:

Did you or not keep the books of the office and charge all work that was done, and were you not intimately acquainted with the affairs of the concern?

No, sir. Mr. Dunnivant kept all the books, with the exception that I kept an account of all the moneys that passed through my hands.

Were all the journeymen employed by Mr. Ritchie during the session of the legislature to work on the public printing, kept in his employment and paid during other seasons of the year after the public printing was executed?

No, sir. When the work ceased the hands were discharged, with the exception that a few were kept to work on the laws.

By Mr. Dunnivant:

You mean by that, they were kept together until the legislature adjourned?

Yes, sir, except a few kept until the laws were completed.

By Mr. Staples:

How many journeymen, on an average, were engaged in working on the public printing while you were connected with Mr. Ritchie's office?

I could not tell the precise number without the memorandum books of the office. I believe some ten or twelve. There were more kept of course during the printing of the Revised Code.

It has been stated in evidence before the committee, by gentlemen employed in Mr. Ritchie's office, that sometimes the hands were compelled to work at night in consequence of an unusual amount of printing being ordered by the legislature, and that for this night work they were paid an extra price. Will you please state whether on all such night work for which extra prices were paid, a liberal profit was not made?

The same profit was made as on other work. Night work was always paid a little more for; something extra. Of course the difference must be deducted between the amount paid for night work over that for day work. I don't recollect any night work done except in preparing documents for the meeting of the legislature. In other words, that was the busiest time. There may have been a few hours' work at night sometimes, and sometimes they worked on Sundays.

By Mr. Dunnivant:

With the system under which we worked, how much difference was there in the amount paid for day work, (10 hours the day's work,) and the price paid for extra work at night?

I don't know. I have never made the calculation. You can make it as easy as I can.

After some explanation from Mr. Page, Mr. Guest continued:

The price per hour, under the 10 hour system, is 16 $\frac{2}{3}$ cents; the price paid for night work is 30 cents per hour.

Do you think any printer can set as many type by candle as by day light?

No, sir. I never agreed with you on that point. I don't believe it can be done as well or as quick. In other words, the printing business ought never to be carried on at night.

By Mr. Staples :

Does not the public printer pay his journeymen a larger sum per week than the prices established by the Richmond typographical society—if he does not, could he not afford to do the public printing at as low a rate as any other printer of the city who pays the same prices to his journeymen?

The first part of that question I can't answer. I know nothing of a typographical society: there was no such society a year ago. The last part, I answer yes. I would rather do the public printing than any other work in the city, for one obvious reason: you have only to hand in your bill to get the money.

How much per 1000 ems and per token did Mr. Ritchie charge for all printing other than the work done under his stated salary?

I don't know the price charged for the work, with a few exceptions. Mr. Dunnivant occasionally consulted me in making the charges.

Did Mr. Ritchie make any difference in the prices charged the commonwealth between large and small jobs of printing?

Don't know anything about the prices.

Was the Code of Virginia printed by Mr. Ritchie while you were connected with his office—if yea, state the number of copies printed, and how much per copy he charged the commonwealth?

I don't know the precise number of copies: some 10 or 11,000. I had as much as I could do to read the proofs while the other public business was going on. I don't know the price. I was not present when the price was settled. I may have heard, but have forgotten.

In consideration of the large number of copies of the Code printed, the payment in advance of \$7,000, and the prompt payment of the balance on the completion of the work, do you not believe that the Code could be printed at a much lower price per copy—if yea, state at what price you think it could have been done, and yet afford a reasonable profit to the printer?

The general impression was that the price was \$3. Assuming that to be the price per copy, I think I would like to have undertaken it for a little less, and for a very plain reason: being a practical printer myself, I could have made a considerable saving. I think I could have afforded to do it for a little less.

In view of the large amount of public printing annually done, and the certainty of prompt payment, do you not believe that it can be done at as low rates as private transient work?

Yes, sir. My impression is, that it could be done for less, as no man in Richmond would be willing to pay 62½ cents.

At what prices do you believe the public printing could be executed as well as it now is, and the printer make a reasonable profit?

With the improvements in printing presses, (power presses,) and paper being cheaper, I think it could be done for 50 cents. I would be willing to give up my present business to embark in it at these rates.

If the commonwealth had a printing office of its own, and were to employ a competent printer, at a salary of \$1000 or \$1200 per annum,

to superintend it, how much do you believe would be saved per annum, if the average amount of work was done which has been executed for several years?

I think I can safely say there would be a saving of about one-third.

By Mr. Dunnivant:

What would you do with your hands for the next two years?

Ship them off as you do. They would expect nothing else.

Who had any portion of the control of the typographical department besides yourself when you were in the public printing office?

I was frequently overruled by you.

State one or two particulars when you were overruled?

It is useless to name particulars; you know that frequently there were disagreements between us with regard to the management of the office.

By Mr. Bottom:

Was there ever an altercation between yourself and Mr. Dunnivant?

Yes, sir; once or twice—but nothing serious though.

By Mr. Dunnivant:

At the end of the session when I was making out the bill against the commonwealth, did not you and Mr. Redford look over the documents and bills, and furnish me with an estimate of the number of ems?

Yes, sir; we did once.

When a document made three pages, how many did you count?

At this time I really can't remember, but I suppose four pages.

When a document made six pages, how many did you count?

Eight, of course.

When 14 or 22 or 30?

Of course, the full number to make a sheet, half sheet, or whatever it might be.

Has not that been the invariable practice in your experience?

Yes, sir. The uniform custom everywhere.

By Mr. King:

Was it stated to you by the public printer that the reason for discharging you was the necessity for curtailing his expenses?

Yes, sir.

Has not the public printer's account against the commonwealth heretofore undergone examination and been certified as correct by a disinterested practical printer before the warrant of the speaker has been issued for its payment?

I never was present at such an examination, but believe it to be the usual practice.

AMINADAB M. BAILEY—EXAMINED.

Are you a practical printer ?

I am.

In book work, when a form makes 3 pages, how many pages do you charge for ?

A quarto—4 pages.

When a form makes 6 or 7 pages, how many do you charge for ?

Octavo—8 pages.

When a form ends at 14, 22 or 30 pages, how many pages would you charge for ?

16, 24, 32.

Is not this an established usage in the printing business ?

To the extent of my knowledge.

From the nature of the public printing, do you think it pays better at 62½, than regular work would at 50 cents.

I would prefer to have it at 62½.

Do you think that the public printing can, in justice to the printer, be done as well and as promptly as it is now for less than 62½ ?

I think it can be done for a little less, and afford the public printer a very handsome profit for his services. There are some kinds of public work that are worth 62½. I presume the public printer has other work on which he can employ his hands. I would say if the public printer has an open field, and can take in other work on which to employ his hands, he can afford to do it for less, but if restricted to the public work, I do not think 62½ too much.

By Mr. Ritchie :

If the state was to undertake to do the public printing on its own account, do you think it could be done for less than now ?

No, sir. I don't think it could be done for the same, or anything like the same, and for the reason that there would be no common head to which to be responsible.

By Mr. Bottom :

I understand you to say, if the public printer was restricted to the public work, 62½ cents is not too much.

It is not too much.

By Mr. Staples :

What would you be willing to take the public printing for, with the understanding that you were not restricted so as not to take in other work ?

I would not take it for less than 60 cents, nor less than I charge individuals. I believe that there is an understanding among the employing printers in Richmond not to do work for less than 60 cents, and if any have done it for less, they have violated their agreement.

By Mr. Ritchie :

Are you not the president of the typographical society of Richmond?
I am.

By Mr. Ellyson :

Are you an employing or a journeyman printer?

A journeyman printer. I have been the foreman of the Religious Herald office for 16 years. Although not an *employing* printer I frequently *employ* printers.

During that time have you not done work for less than 60 cents?

I have. When work was done so low that we could get no more for it, it was sometimes taken at 55 and 50 cents, and finding nothing could be made at it, we have abandoned it; and one job, I now remember, my friend (Mr. Ellyson) took at 50 cents, and, I believe, has made money at it.

You say you believe there is an understanding among the employing printers of the city of Richmond not to do work for less than 50 cents, and if any have done it for less, they have violated their agreement. Will you please state whether you have ever seen any such agreement; if not, please state on what your belief is founded.

I have never seen any such agreement, nor do I know positively that such an agreement exists. I know that meetings were held to consider and devise some plan, and I was informed by one or more employing printers that it was understood amongst the employing printers that 60 cents per 1000 ems should be the minimum charge, and I have never charged less since.

H. K. ELLYSON—RECALLED.

By Mr. Staples :

Say whether you have at my request made an estimate of the cost of printing 10,000 copies of the Code of Virginia in the style in which it has been executed by the public printer—if you have, state the result of your estimate.

I have made a careful estimate of what I would print 10,000 copies of the Code of Virginia for in as good style as it has been done, and find that I could do it for \$20,000, or \$2 per copy, and make over \$5000 clear profit.

Have you also made an estimate of the cost of printing 500 copies of the Pay Rolls of Militia entitled to land bounty? And if so, state the result.

I have, and could print 500 copies of the document referred to for \$1400, and in as good style, and consider it one of the most profitable jobs I had ever done.

Have you also made an estimate of the cost of printing 10,000 copies of the Militia Laws in as good a style as they were printed by the public printer?

I have, and would print 10,000 copies of the Militia Laws for \$800.

In making the aforementioned estimates, have you put down your prices at the lowest possible rates at which you would do the several jobs referred to, if there were a number of competitors for the same work?

In making these estimates I had no regard to competition, and have based the estimates upon the usual prices charged private customers at the present time.

Was there ever an agreement by which the printers of Richmond agreed not to execute work for a less sum than 60 cents per thousand ems?

There was never any such agreement, so far as I know, since I have been in the business.

By Mr. Ritchie:

Look at Doc. No. 1, for 1850-51—containing 28 pages; Appendix to Doc. No. 1, beginning at page 5—containing 24 pages, and Doc. No. 5, beginning at page 25—containing 48 pages, and state how much they can be reduced without injuring the typographical appearance of the work.

There are no blank pages in the number of pages referred to, and of course I could not reduce it.

J. M. H. BRUNET—EXAMINED.

By Mr. Bottom:

Are you a practical printer?

Yes, sir.

In book work, when a form makes three pages, how many pages do you charge for?

Four.

When a form makes 6 or 7 pages, how many pages do you charge for?

Eight.

When a work ends at 14, 22 or 30 pages, how many pages would you charge for?

Sixteen, twenty-four and thirty-two.

Is not this an established rule in the printing business?

So far as my knowledge extends.

From the nature of the public printing, do you think it pays better at 62½ cents than regular work would at 50 cents?

No, sir.

Do you think that the public printing can, in justice to the printer, be done as well and as promptly as it is now for less than 62½ cents?

It can't be done for less under present arrangements, and allow the profit that should be made on such work.

Do you know anything of an improvement in printing presses, by which four times the amount of good book work can be done now as formerly?

This question was put to Mr. Bernard, and I agree entirely with him in his answer.

WILLIAM CULLEY—RECALLED.

By Mr. Bottom:

Please state the substance of the conversation that occurred between yourself and Mr. Dunnavant in relation to the contract for the convention printing.

I advised him to take it, and cited the case of Mr. Croswell in the state of New York, who, when the advertising was about to be taken from him, offered to do it for nothing.

[Mr. Bottom gave notice that he would introduce the circular of H. K. Ellyson, dated February 8, 1850, as evidence.]

DOCUMENTS.

[A.]

COMMONWEALTH OF MASSACHUSETTS.

HOUSE OF REPRESENTATIVES,
March 6, 1852.

DEAR SIR,

In answer to your letter of the 1st instant, I have the pleasure to hand you a document containing report and resolves on the printing for this commonwealth, which will give you the information you desire.

I will only add that the document is a fair specimen of the manner in which the printing for the state has been done; and, also, that a new contract has been made in accordance with the provisions of the resolves in the printed document referred to, and with the parties therein named.

Very respectfully,

Your obedient servant,

LEWIS JOSSELYN,
Clerk H. of Reps.

SAMUEL G. STAPLES, *Ch'n Com.*

COMMONWEALTH OF MASSACHUSETTS.

HOUSE OF REPRESENTATIVES,
Feb. 17, 1852.

The committee on printing, to whom was referred the petition of White & Potter, to be appointed state printers, and the petition of Little & Brown, B. B. Mussey and others, and of Lyman Rhodes and 61 others, practical printers, in aid of the petition of White & Potter, have considered the same, and report :

That the state printing has been for rather more than 20 years performed by one firm, Dutton & Wentworth; that their contracts have not only been a source of direct pecuniary benefit to them, to a large extent, but indirectly, by way of increasing their reputation and business as printers; that they have become wealthy, in a great degree, by their contracts with the state—not wealthy, perhaps, in a mercantile sense, but wealthy as compared with most men in the same business; that after this long period of successful business, it is no more than justice that they should give way in favor of other and younger and less wealthy, and equally capable men, if any such can be found.

That White & Potter have exhibited satisfactory evidence of their ability and willingness to do the state printing in a prompt, faithful and workmanlike manner; that their facilities are ample and their responsibility unquestioned, and that the state would be equally well served as at present, by giving them the contract.

The committee therefore recommend the passage of the accompanying resolves.

In behalf of the committee.

WM. S. ROBINSON, *Chairman.*

COMMONWEALTH OF MASSACHUSETTS.

IN THE YEAR ONE THOUSAND EIGHT HUNDRED AND FIFTY-TWO.

Resolves concerning the Printing for the Commonwealth.

Resolved, That the secretary of the commonwealth and the clerks of the senate and house of representatives be directed to contract with White & Potter to execute the printing for the various departments of the commonwealth, at the rate of thirty-five cents for the composition for each thousand ems, for plain work, and seventy cents for rule and figure work, and sixty five cents for printing and dry pressing each token of two hundred and fifty sheets of medium paper, *provided* that satisfactory bonds to the amount of five thousand dollars be given by said printers for the faithful fulfillment of the terms of the said contract.

Resolved, That the said contract shall be dated on the first day of March, in the current year, and shall be substantially the same as the form of contract at present existing with Dutton & Wentworth.

Resolved, That all laws and resolves inconsistent with the foregoing are hereby repealed.

Passed.

LEWIS JOSSELYN, *Clerk.*

[B.]

HOUSE OF REPRESENTATIVES,
Harrisburg, March 10, 1852.

SAMUEL G. STAPLES, Esq.

DEAR SIR,

I referred your letter to a gentlemen who has had charge of the public printing of this state, and who is familiar with all the legislation upon the subject, and he has given me the following statement, viz :

At the session of 1843, an act was passed providing for the election of state printer. Under this act, the printer is allowed 40 cents per 1000 ems composition, with the addition of 50 per cent. for rule and figure work, and 40 cts. per token press work of 125 sheets of 16 pages each ; for printing the bills of both houses, \$1 per page, which was subsequently increased to \$1 25 per page, in consequence of an increase in the number of copies required to be printed.—(See Pamphlet Laws, Session of 1843, or Purdon's Digest of the Laws of Pennsylvania, page 983.)

Owing to an alleged informality in the election of state printer at the session of 1843, the election was set aside at the session of 1844, and an act passed giving out for three years all the printing and binding. The 4th section of this act provides that all the blanks required in the different departments shall be executed by the state printer, at \$1 per quire. This includes all the blanks used in the different collectors' offices on the canals and railroads, &c., &c. The printing under this act was taken at the session of 1844 at 50 per cent. below the price fixed in the act of 1843 ; at the session of 1847, at 65 per cent ; and at the session of 1851, at 81 per cent. No deduction was made in the price of printing the blanks, which will account for the very low price at which the printing has been executed.—(See Pamphlet Laws 1844, or Purdon's Digest)—and for bids, (see Journals of House of Representatives of Pennsylvania—see also Purdon's Digest for additional supplements to the laws on this subject.)

The printing of the blanks altogether amounts to the sum of \$ 5000 annually, and is the source of great profit. The contract for printing the journals and laws would seem to be a losing business—but taking the whole printing together, the contractors for the 6 years from 1840 made money. Since that time, the contract being for 81 per cent. below the price fixed in the act of 1843, the law has not worked so well. There has been considerable complaint last session and also the present session, in reference to the delay in the printing. But the printing for the six years from 1844 to 1850 was executed promptly and

in a better manner than had been done previously. The whole cost for printing during those years ranged from \$18,000 to \$20,000 annually. Previously to that, the printing cost some \$75,000 or \$80,000, when each house elected its own printer, and settled the accounts through its committee on accounts.

I presume that you have the laws of Pennsylvania, or the digest of those laws, which I have referred to. By referring to those laws, you will obtain more information upon the subject than I can give you in a letter.

Yours, &c.

WM. JACK, C. H. R.

BANK OF THE UNION,
Washington, D. C., March 13, 1852.

DEAR SIR,

Yours of the 11th came to hand, and it affords me pleasure to give you any information in my power in regard to the prices received by me for the "Supplement."

I received for press work and composition the same rates, I believe, that are allowed the public printer to the legislature for a character of work, which all must admit, superior—because of the peculiar form, and the care necessary in its execution. I do not hesitate to say that, in my opinion, the printer to the legislature gets no more for his work than he ought to get. Others may think differently, but there are few, unconnected with the printing business, who can appreciate the responsibilities and difficulties connected with the printing for a state convention or the legislature. I was sorry to see, by the proceedings of the legislature, that an effort was made, or is to be made, to reduce the prices of the public printer for his work. The true policy of any public body is to have its work well done, and to allow liberal prices for it.

Very respectfully,

R. H. GALLAHER.

MR. W. W. DUNNAVANT, *Richmond, Va.*

CIRCULAR.

*To the Honorable Members of the
House of Delegates of Virginia.*

GENTLEMEN,

A motion having been made in the house yesterday, to commit the printing of the Records of the Court of Appeals (and other printing) to the public printer, the undersigned, who now holds the contract for this printing, deems it due to himself to assign the following reasons why this should not be done :

1. *Because, under his contract, the Records are printed for one-third less than is paid the public printer for all other work.* Prior to 1843, this work was done by the public printer; but in May of that year proposals were issued for its execution under the contract system, and the subscriber being the lowest bidder, took the contract. Since that period, nearly *five thousand dollars have been saved to the state.* But it may be said, that the resolution alluded to provides that the work shall be done at the prices now paid. Will the public printer do the work at those prices? If he will, your honorable body cannot fail to perceive the injustice of his charging the state *one-third more for other work*; especially when this is the most unprofitable of all the public printing. The undersigned would willingly take the whole printing for the state at one-third less than is now paid, and enter into bond in any amount for its faithful execution.

2. *Because the honorable judges, the counsel and the clerk of the court of appeals are satisfied with the manner in which the Records are printed, being finished in some respects in a better style than under the old arrangement.*

3. *Because the subscriber has been at great expense in fitting up his office with special reference to this work, supposing that as long as he was willing to execute the printing at a price lower than any other printer, he could keep the contract.*

Your ob't servant,

H. K. ELLYSON.

February 8, 1850.

COURT OF APPEALS OFFICE,
Richmond, March 5, 1852.

In obedience to a resolution adopted by the house of delegates on the 4th inst., requesting me to inform the house what prices are paid for printing the Records of the Court of Appeals, the style in which they are printed, and the manner in which the present contractor has fulfilled his contract since May 1844, I beg leave to report that the

contract price for printing said Records (10 copies of each—11 are now printed) is sixty-six cents per page, containing six hundred words—one-third in addition for rule and figure work. The contract has been satisfactorily performed, so far as I know, and I submit herewith a sample of the style of the printing.

J. ALLEN, *Clerk.*

Wm. F. RITCHIE, Esq., P. P.

To COLIN, BAPTIST & NOWLAN,

Dr.

1849.

Nov. 28, To printing 600 copies Doc. No. 16, 40 pages, (35 small pica, 5 brevier,) viz:

| | | | | | |
|---|---|---|---|---|-------------|
| Small pica, | - | - | - | - | 58,500 ems, |
| Brevier, | - | - | - | - | 14,420 " |
| At 50 cents, | - | - | - | - | \$ 66.920 |
| | | | | | \$ 33.50 |
| Composition, at 50 cents per 1000, | - | - | - | - | 33.50 |
| Press work, (5 forms, 3 tokens each,) at 62½, | - | - | - | - | 9.25 |
| | | | | | \$ 42.87½ |

1850—Jan. 5th,

Received Payment,

COLIN, BAPTIST & NOWLAN.

Mr. Wm. W. DUNNivant,

To P. D. BERNARD,

Dr.

1849.

| | | | | |
|--|---|---|---|----------|
| Dec. 1st, To composition on Document (No. 12,) Western Asylum, at 62½ cents per 1000 ems. (125,644 ems.) | - | - | - | 78.65½ |
| Dec. 1st, To 25 tokens press work, at 62½ cents per token, | - | - | - | 15.62½ |
| | | | | \$ 94.28 |

Received Payment,

P. D. BERNARD.

(No. 1.)

Statement of the Amounts paid to the Public Printer of the Commonwealth, for the years 1849, '50, '51 and '52.

| DATE. | FOR WHAT PAID. | AMOUNT. |
|-------|---|-----------|
| 1849. | Salary—amount paid during 1849, - - - | \$1930 60 |
| | Printing bills and documents, sess. 1848-49, - - | 772 26 |
| | Printing members' names and accounts, sess. '48-'49, - | 18 25 |
| | Printing and distributing 25,000 copies of abstracts of laws, including postage, - - - | 812 50 |
| | Folding and stitching documents, - - - | 37 80 |
| | Binding 167 copies of journal and documents, - | 146 13 |
| | Printing 40 copies amendments to 3d part of revision of civil code, - - - | 37 37 |
| | Printing 500 copies final amendments to 1st, 2d, 3d and 4th parts of revision of Code, - - | 425 93 |
| | Printing 500 copies amendments of committee of revision to 4th report of revisors, after their other amendments were printed, - - - | 6 42 |
| | Printing 500 copies amendments of same committee to 5th report of revisors, - - - | 30 25 |
| | Printing 100 copies members' names, - - - | 2 50 |
| | Printing at Fauquier springs, during extra session, various amendments of house of delegates and senate to reports of revisors, - - - | 240 00 |
| | Transportation of documents to and from Warrenton and Richmond, - - - | 4 50 |
| | Printing 500 copies report of revisors, 4th part, - | 252 37 |
| | Paper for, and folding and stitching same, - - | 57 88 |
| | 500 copies (printing) revisor's report of criminal code, - | 302 12 |
| | Folding and stitching same, - - - | 9 25 |
| | 150 copies of acts of a public nature, - - - | 15 00 |
| | 1300 extra copies of all the acts, - - - | 382 64 |
| | Binding 4500 copies of acts, - - - | \$1125 |
| | Less amount paid A. Morris for binding, - - - | 375 |
| | | 750 00 |
| | Advanced by executive on account publication of Code of Va. - - - | 7000 00 |
| | | 13283 77 |
| 1850. | Salary, less tax, - - - | 2581 00 |
| | Printing 500 copies amendments of general assembly to Code of Va. - - - | 100 12 |
| | Printing 250 copies of index to documents of '48-49, - | 26 36 |
| | " " " to journal of 1849-50, - - - | 191 78 |
| | " members' names, sess. 1849-50, - - - | 27 56 |
| | " bills and documents, sess. 1849-50, - - - | 4003 78 |
| | " 2500 copies abstract of laws, 1849-50, and postage, - - - | 708 40 |
| | Binding 200 copies governor's message and doc. - | 70 00 |
| | " 13 sess journal and documents 1849-49—not included in bill rendered, - - - | 22 75 |
| | " 186 copies of journal and documents, '49-50, - | 232 50 |
| | " 4500 copies of acts of assembly, '49-50, - - | 1125 00 |
| | Additional charge on bill rendered for binding 167 copies journal and doc. 1849-9, on account of increased size from extra session, - - - | 65 15 |
| | 150 copies of public acts, - - - | 15 00 |
| | 1300 copies of acts, (binding charged in former acc.,) | 468 00 |

| DATE. | FOR WHAT PAID. | AMOUNT. | |
|-------|--|----------|----------|
| 1850. | 100 copies of acts bound, - - | 61 00 | |
| | 83 copies of journal and documents, 1848-49, - | 222 50 | |
| | 25 copies of acts of 1848-49, - | 9 37 | |
| | 10000 copies of militia law, covered, (see Code, ch. 17, sec. 27, page 108.) - | 1427 00 | |
| May. | Printing half ream land office treas'y warrants for register, - | 7 50 | |
| | 289 quires and 19 sheets blanks for commissioners of the revenue, and postage thereon, - | 210 64 | |
| | Printing circulars for auditor, and act relating to certain subjects of taxation, - | 92 27 | |
| | 30 extra copies of auditor's report, - | 4 50 | |
| | Paper for delinquent land lists and certificates, - | 11 00 | |
| | 200 copies of resolution for distributing act for reassessment of lands, - | 6 00 | |
| | 160 copies to clerks of county courts, in regard to delinquent land lists, sent to sheriffs, - | 5 25 | |
| | 87 sets journal and documents, sess. 1849-50, - | 217 50 | |
| | 25 copies of acts of assembly, - | 9 37 | |
| | Printing 300 copies index to journal, sess. 1849-50, - | 194 00 | |
| | " " to documents, " - | 39 02 | |
| | Binding 186 copies of journal, - | 93 00 | |
| | " " documents, " - | 130 50 | |
| | On account publication of Code of Va., " - | 16775 00 | |
| | In full for publication of Code of Va., " - | 9026 00 | |
| | | | 38190 88 |
| 1851. | Salary, less tax, (includes part of previous year, not before paid,) - | 5945 00 | |
| | Printing bills and documents, sess. 1850-51, - | 4991 27 | |
| | " members' names and certificates, - | 35 50 | |
| | " 2500 abstract of laws, 1850-51, and postage, - | 708 40 | |
| | " 600 copies acts of 1850-51, half bound, - | 375 00 | |
| | " 1600 copies amended constitution, - | 60 80 | |
| | " 500 copies muster rolls Va. mil. of 1812, 1813-14, (see joint resolution No. 17, acts of 1850-51, page 213,) - | 2239 37 | |
| | Ruled paper for muster rolls, - | 60 00 | |
| | 25 copies acts, 1850-51, - | 9 50 | |
| | Record books and ruling parchments for register, - | 88 75 | |
| | 25 copies treasurer's report, and record books for the treasury office, - | 91 75 | |
| | 4 quires circulars for 2d auditor, - | 5 00 | |
| | 1552 quires 7-100 sheets commissioners' blanks, (see resolution No. 16, sess. acts, 1850-51, page 213) - | 1159 22 | |
| | 1000 copies general laws to overseers of poor, (see resolution No. 17, acts of 1849-50, page 233.) - | 40 75 | |
| | 500 copies general laws to commrs rev., (see Code, ch. 35, sect. 16, page 180.) - | 74 49 | |
| | Circulars for auditor's office,* - | 184 90 | |
| | 35 copies auditor's report to legislature, - | 4 15 | |
| | 150 copies an act to clerks of courts, - | 3 75 | |
| | Blank books and ruled paper for auditor's office, - | 14 75 | |
| | Printing general orders, &c. for adjutant general, - | 71 44 | |
| | | | 16172 79 |
| 1852. | Salary in part of quarter due 1st January, - | - | 793 00 |
| | Total to public printer, - | - | 2440 38 |

Auditor's Office,
Richmond, March 15th, 1852.

RO. JOHNSTON,
First Auditor.

* This item was for printing, &c. done under resolution No. 18, Acts 1849-50, page 238, and for circulars to assistant marshalls, sho iff, commissioners of the revenue, &c.

(No. 2.)

Statement of Amounts paid to the late Public Printer, Mr. S. Shepherd, each year since 1837.

| DATE. | FOR WHAT PAID. | AMOUNT. | |
|----------|---|---------|---------|
| 1839. | | | |
| April 9, | Salary from 12th of January 1839, the day of his election, - - - | 216 66 | |
| | Printing bills and documents, Jan'y session, '39, - | 2120 92 | |
| | Folding and stitching documents, - - - | 144 00 | |
| Aug. 27. | Printing index to journal and documents, January session, '39, - - - | 302 63 | |
| July 2, | Salary \$ 1600 and \$ 250, - - - | 1850 00 | |
| Oct. 1. | Quarter's salary, - - - | 250 00 | |
| Aug. 28, | 150 copies acts of a public nature, - - - | 15 00 | |
| | 950 extra copies acts of 1839, - - - | 308 83 | |
| | 55 copies journal and documents, - - - | 137 50 | |
| 1840. | | | 5345 54 |
| Jan. 1. | Quarter's salary, - - - | 250 00 | |
| Mar. 21, | Printing bills and documents, session '39-'40, - | 2530 21 | |
| | Printing roll of members and certificates of pay, - | 40 50 | |
| | Folding and stitching documents, - - - | 266 62 | |
| April 1. | Quarter's salary, - - - | 250 00 | |
| June 8, | Salary, - - - | 1600 00 | |
| July 6. | Quarter's salary, - - - | 250 00 | |
| Aug. 15, | 150 copies public acts 1840, - - - | 15 00 | |
| | 950 copies acts of 1840, - - - | 269 12 | |
| | Folding and stitching same, - - - | 30 00 | |
| | 55 copies journal of 1840. (30 half bound.) - | 137 50 | |
| | 24 quires assessors' blanks for auditor, - - - | 17 50 | |
| | 6 quires returns of militia, and 200 copies general order for adjutant general, - - - | 21 00 | |
| Oct. 2, | 385 copies index to journal and documents, and folding same, - - - | 215 25 | |
| | Quarter's salary, - - - | 250 00 | |
| 1841. | | | 6022 70 |
| | Salary, - - - | 2600 00 | |
| | Printing bills and documents, session '40-'41, - | 3049 07 | |
| | Folding and stitching documents, - - - | 343 07 | |
| | Printing members' names and certificates, - - - | 33 00 | |
| | Binding 166 copies journal, - - - | 124 50 | |
| | Printing and folding index to journal session '40-'41, - | 164 20 | |
| | Printing 1000 copies revised revenue laws, with forms, for auditor, - - - | 157 37 | |
| | Folding, stitching and covering same, - - - | 37 67 | |
| | 150 copies public acts, - - - | 18 50 | |
| | 675 extra copies of acts, - - - | 145 00 | |
| | 55 copies of journal, bound, - - - | 137 50 | |
| | 200 copies correspondence between governors of Virginia and New York in relation to fugitives from justice, and folding same, - - - | 72 50 | |
| 1842. | | | 6332 39 |
| | Salary, - - - | 2600 00 | |
| | Printing bills and documents, sessions '41-'42, - | 2894 37 | |
| | Printing members' names, certificates, &c., - - - | 42 50 | |
| | Folding and stitching bills and documents, - - - | 325 67 | |
| | Binding 166 copies of journal, - - - | 124 50 | |
| | Printing and folding index to journal, - - - | 175 02 | |

| DATE. | FOR WHAT PAID. | AMOUNT. | |
|-------|--|---------|---------|
| 1842. | 150 copies public acts, - - - | 18 50 | |
| | 675 copies extra of acts, - - - | 163 00 | |
| | 55 copies journal, bound, - - - | 137 50 | |
| | General orders, notices, &c. for adjutant general, - - - | 28 00 | 6514 06 |
| 1843. | Salary, less tax, - - - | 2594 50 | |
| | Printing bills and documents session '42-'43, - - - | 2683 87 | |
| | Printing members' names, - - - | 17 50 | |
| | Folding and stitching bills and documents, - - - | 315 76 | |
| | Binding 166 copies journal, - - - | 124 50 | |
| | Binding index to journal and documents, - - - | 187 25 | |
| | 150 copies of public acts, - - - | 18 50 | |
| | 675 extra copies of acts, - - - | 113 50 | |
| | 55 copies of journal, bound, - - - | 137 50 | |
| | Printing general orders, &c. for adjutant general, - - - | 25 50 | 6219 30 |
| 1844. | Salary, less tax, - - - | 2594 00 | |
| | Printing bills and documents session '43-'44, - - - | 1938 92 | |
| | Printing members' names and accounts, - - - | 19 00 | |
| | Folding and stitching documents, - - - | 223 97 | |
| | Binding 166 copies journal, - - - | 124 50 | |
| | Printing and folding 350 copies index to journal, - - - | 134 00 | |
| | 150 copies acts of a public nature, - - - | 18 50 | |
| | 675 extra copies of acts, - - - | 113 50 | |
| | 55 copies of journal, bound, - - - | 123 75 | |
| | 4 quires rules of library, - - - | 3 00 | |
| | 2000 copies of poor laws, - - - | 293 25 | |
| | 20 reams blanks furnished auditor for use of commissioners of the revenue, - - - | 120 00 | 5719 39 |
| 1845. | Salary, less tax, - - - | 2594 00 | |
| | Printing bills and documents session '44-'45, - - - | 2403 89 | |
| | Printing members' names, - - - | 12 87 | |
| | Folding and stitching documents, - - - | 214 42 | |
| | Binding 166 copies of journal, - - - | 124 50 | |
| | Printing 350 copies index to journal, - - - | 148 25 | |
| | 150 copies of public acts, - - - | 15 00 | |
| | 705 copies extra of acts, - - - | 134 50 | |
| | 55 copies of journal, bound, - - - | 123 75 | 5775 14 |
| 1846. | Salary, less tax, - - - | 2594 00 | |
| | Printing bills and documents session '45-'46, - - - | 3017 82 | |
| | Printing members' names and accounts, - - - | 17 00 | |
| | Folding and stitching documents, - - - | 318 25 | |
| | Binding 166 copies of journal, - - - | 124 50 | |
| | Printing 25000 copies sketches of laws, &c. - - - | 371 75 | |
| | Postage on same, - - - | 625 00 | |
| | 600 extra copies of report of joint committee appointed to visit and examine into the condition of the University of Virginia, - - - | 24 00 | |
| | Printing 240 copies index to journal, - - - | 138 75 | |
| | Printing blanks for auditor for use of the commissioners of the revenue including paper, - - - | 107 75 | |
| | 150 copies acts of a public nature, - - - | 15 00 | |
| | 825 copies extra of acts, - - - | 197 00 | |
| | 55 copies of journal, bound, - - - | 123 75 | |
| | Printing and binding grants, &c. for land office, - - - | 41 63 | 7821 30 |
| 1847. | Printing 300 copies revision of criminal code, - - - | 509 07 | |
| | Printing 500 copies revision of civil code, - - - | 513 81 | |
| | Salary, less tax, - - - | 2594 00 | |
| | Printing bills and documents session '46-'47, - - - | 2314 12 | |
| | Printing members' names and accounts, - - - | 23 00 | |
| | Folding and stitching documents, - - - | 287 25 | |
| | Printing 25000 sketches of laws and postage thereon, - - - | 535 93 | |
| | Binding 166 copies of journal, - - - | 124 50 | |

| DATE. | FOR WHAT PAID. | AMOUNT. | |
|-------|---|-------------|-------|
| 1847. | Printing 200 copies index to journal. - | 197 | 66 |
| | Printing 500 copies of statement of population, taxation, &c. under resolution of house of delegates. - | 30 | 68 |
| | 150 copies of public acts, - | 15 | 00 |
| | 835 copies of acts extra, - | 288 | 83 |
| | 55 copies of journal. - | 137 | 50 |
| | 24 quires commissioners blanks for auditor, - | 15 | 00 |
| | | \$106 38 | |
| 1848. | Salary, less tax. - | 25 | 94 00 |
| | Printing bills and documents, session '47-'48, - | 237 | 45 |
| | Printing members' names and accounts, - | 27 | 50 |
| | Binding 250 copies governor's message and documents, - | 62 | 50 |
| | Folding and stitching documents and bills, - | 125 | 00 |
| | Binding 167 copies journal, &c - | 146 | 13 |
| | Printing and distributing 25000 copies abstract of laws, and postage thereon, - | 1075 | 00 |
| | Printing and folding 260 copies index to journal, - | 210 | 92 |
| | Printing 500 copies report of revisors' civil code, 2d part. - | 528 | 25 |
| | Binding 4500 copies of acts of assembly, - | 1135 | 00 |
| | 150 copies public acts, - | 30 | 50 |
| | 1300 copies acts, - | 561 | 17 |
| | Binding 30 copies journal and documents, - | 26 | 25 |
| | 40 quires commissioners blanks, and 1000 copies pamphlet laws for commissioners of revenue, - | 58 | 50 |
| | | 8949 17 | |
| 1849. | Salary for quarter to 1st January, and thence to 12th of February 1849, the time of Mr. Shepherd's death, - | 367 | 15 |
| | Printing bills and documents during December last, - | 1482 | 67 |
| | Printing members' names, - | 12 | 50 |
| | Binding 200 copies message and documents, - | 60 | 00 |
| | Printing bills and documents, (Shepherd's ex'or.) - | 1442 | 02 |
| | Folding and stitching documents, &c. - | 109 | 68 |
| | Binding 40 copies journal and doc. session '47-'48, - | 35 | 00 |
| | Binding 12 copies extra, session '47-'48, - | 13 | 50 |
| | 25 copies acts 1847-'8, - | 10 | 75 |
| | 257 quires commissioners blanks, to auditor, - | 160 | 62 |
| | | 3623 80 | |
| | Total paid Mr. Shepherd, - | \$ 71100 27 | |

RO. JOHNSTON,
First Auditor.

Auditor's Office, Richmond, March 15, 1852.

[A.]

RICHMOND, November 19, 1850.

DEAR SIR,

I informed you, in reply to your letter of 21st September last, that if upon seeing the reporter of the court of appeals (who was then absent,) it should not be found necessary to close the contract for printing and binding the 7th volume of Grattan's Reports before, it should be postponed until after the meeting of the legislature, as you desired.

I did not see Mr. Grattan until within a few days past, and finding that it is not necessary to close the contract immediately, it will be left open until you have had full opportunity of bringing your claim to the work as public printer before the legislature.

I have no choice, nor any right to choose, as to who executes the work, or the slightest doubt that I have acted in this matter according to the true intent and meaning of the law. But as that law positively requires me to contract each year for the printing and binding of a volume of reports, I consider it my duty, under the circumstances, to submit the whole subject to the joint committee on the library as soon as it is organized, and with it all proposals for executing the work. I would therefore be glad to receive yours, if, under any circumstances, you intend to offer.

Very respectfully, yours,

WM. H. RICHARDSON, S. C.

WM. F. RITCHIE, Esq., *Public Printer.*

[This letter was written in reply to one requesting Gen. Richardson to withdraw his advertisement for proposals for the printing of Grattan's Reports.]

[B.]

RICHMOND, December 7, 1850.

DEAR SIR,

I should have answered your letter of the 19th ult. before, but I have not had time to spare from other engagements. You say "I" (you) have no choice, nor any right to choose as to who executes the work, (Grattan's Reports,) or the slightest doubt that "I" (you) have acted in this matter according to the true intent and

meaning of the law ; but as that law positively requires "me" (you) to contract each year for the printing and binding of a volume of the Reports, "I" (you) consider it "my" (your) duty under the circumstances to submit the whole subject to the joint committee on the library, as soon as it is organized, and with it all proposals for executing the work. "I" (you) would therefore be glad to receive "yours" (mine) if under any circumstances "you" (I) intend to offer.

I am pleased to see that you intend to pursue this course, as it will bring the subject in its proper form before the legislature, who will decide whether or not the printing and binding of Grattan's Reports, as well as the Records of the Court of Appeals, are public work, and whether it should be done by the public printer or not. I am still of the opinion, that the intention of the law was, that you should contract with the public printer, at the prices paid for other public printing, and I am strengthened and borne out in that opinion by the fact that the attorney general (Mr. Baxter) gave a verbal opinion last winter that "all printing done and paid for by the commonwealth, whether any portion of the amount so paid ever reverted back to the commonwealth or not, is public printing, and should be done by the public printer." He (Mr. Baxter) did, however, reverse that opinion, when he was requested to give it in writing, by stating "that the Revised Code of 1819 defined the duties of the public printer." I am at a loss to conceive how the law of 1819 could embrace the printing of Grattan's Reports, when they were not commenced I believe until 1845.

I am strengthened still farther in this opinion by the fact, that you have always given this work to the public printer, and at prices fully as high as those paid for other public printing. It was natural for me to suppose that you contracted with him because he was the public printer. I never heard of your advertising for proposals, or conferring with any other person but the public printer to do the work, up to the time of my election.

I have examined the bills of Messrs. Shepherd & Colin and Messrs. Colin, Baptist & Nowlan since 1845, (the year I believe the work was commenced,) and find that their prices have varied from \$2 17½ to \$2 40 per page—making the average price for the last six years a fraction over \$2 29 per page, while the average number of pages has been 720 per annum. I have also made a calculation what this work would amount to at prices paid for other public printing, and find it would be \$2 12½ per page. If the legislature should decide that the public printer is entitled to the work, this would be the price I should charge for it. If on the other hand, they should sustain you in your opinion, and you should think proper to give me the work, I should charge the same price in that event, as it is but a fair compensation for the labor and outlay, and is about 17 cents per page less than it has heretofore cost the commonwealth.

All that I ask is, that this point may be settled by the legislature. By placing this letter in the hands of the chairman of the joint committee on the library, with your other papers on this subject, in order that the matter may be brought before the legislature, you will confer a favor.

Yours truly,

W. F. RITCHIE.

WM. H. RICHARDSON, Esq.

[C.]

RICHMOND, Dec. 9, 1850.

DEAR SIR,

I have just received yours of the 7th. The committee will meet to-morrow morning in the library at 10 o'clock, when you will have an opportunity of appearing before them if you wish to do so. Your letter of the 7th will of course be laid before them. I must take this opportunity to correct a misapprehension which appears to have prevailed, that I have always given the work to the *public printer*. The fact is, that Shepherd & Colin took the contract, *not Sam^l Shepherd, public printer*, and the contract was originally made with them, upon proposals submitted to the committee, and approved by them, as the contracts have been from year to year.

Respectfully yours,

WM. H. RICHARDSON

WM. F. RITCHIE, Esq.

PUBLICATION OF THE VIRGINIA REPORTS.

From Gilmer's Reports, published in 1821, down to the 12th volume of Leigh's Reports, inclusive, all were delivered by the reporter printed and bound. He received from the state as compensation, at the rate of \$3 $\frac{1}{4}$ cents for every 100 pages of each copy.

These volumes were printed successively, by N. Pollard, Shepherd & Pollard, Samuel Shepherd & Co. and Shepherd & Colin—all *book and job printers*—never by Shepherd as *public printer*—nor was the work ever considered as belonging to the public printer, until the claim was set up by the present incumbent.

The act of March 24, 1842, (reported by the joint committee on the library,) changed the mode of compensating the reporter and required the secretary of the commonwealth to contract for the

printing and binding of each volume of Reports. Proposals of several publishing houses were before the committee while the subject of the act recited was under their consideration, and with their approbation the contract was made with Shepherd & Colin, *book and job printers*—not with Samuel Shepherd *as public printer*—for printing and binding Robinson's Reports, the first of the series under the new mode of publishing. And with the approbation of the same committee, the contract was continued with Shepherd & Colin from year to year until the death of Shepherd, in 1849, (I believe,) the contract for the 5th Grattan being then in process of execution.

I gave public notice that proposals would be received for printing and binding 6th Grattan, and communicated with Mr. Wm. F. Ritchie, who had succeeded Shepherd as public printer, upon the subject. After waiting some weeks beyond a time mentioned by him, and receiving no proposals from him, I called again but did not find him. I met, however, with his partner, Mr. Dunnivant, the same day, and upon mentioning the subject to him, he said that not being prepared to do the work (having the Code to print) they would offer no proposals.

Upon comparing other proposals, I contracted with Colin, Baptist & Nowlan for printing and binding the 6th Grattan, as I did with Colin & Nowlan for the 7th; and the work has been well executed.

Very much to my surprise, at the next session of the legislature succeeding my interviews with Messrs. Ritchie & Dunnivant, the claim to this work as public printing, was set up, and most unjust censure attempted to be cast upon me. Having never dreamed even, that I was doing wrong to the public printer, or to any one else, I brought the subject to the notice of the library committee, who after a full hearing of Mr. Dunnivant, unanimously sustained my construction of the law, and approved what I had done.

WM. H. RICHARDSON.

March 15, 1852.

In examining the foregoing communication of the secretary of the commonwealth relative to the printing of the Reports of the Court of Appeals, I deem it necessary, in justice to the public printer as well as to myself, to make one correction in his statement, as well as to name one fact which he has entirely omitted. He says, that he "called on the public printer to ascertain whether or not he intended to put in proposals for the printing of Grattan's Reports, (6th vol.) and that some days afterwards I informed him he was not prepared to do the work and would put in no proposals." The secretary of the commonwealth is entirely mistaken in the language I used to him on this occasion. I recollect very distinctly that I informed him he could complete his arrangements with Mr. Colin, as he (the public printer) did not intend to oppose him in the printing of *that volume*. The reason why the public printer came to this conclusion was, not that he was

not prepared to do it, but solely on the ground, that as he had as much work in the office at that time as he wished to have, he did not intend to interfere with Mr. Colin in the printing of *that volume*. He (the secretary of the commonwealth) makes no explanation why he gave Colin & Nowlan the printing of the 7th volume of those Reports, but simply says he gave them the printing, &c., without stating the fact, that they received \$2 25 per page, while the public printer's proposals were in his possession, and had been for several weeks previous to his making this contract, in which he distinctly states he should charge the commonwealth but \$2 12½ per page. (See the public printer's letter, marked B, which contains his proposals.) The secretary of the commonwealth may be able to make this explanation, but he certainly has not done so in his communication of the 15th of March 1852.

WM. W. DUNNAVANT.

ERRATA.

Page 26th, 10th line from top, for "1000," read "700."

Between 10th and 11th lines insert:

"I ascertained, after making the calculation for 700 copies, that I could purchase the paper (double medium) at \$6 50 per ream, and by changing the press work from *single* to *double* medium, I could furnish 1000 copies at the same price, (\$2 12½ per page.)"

[DOC. No. LXXXIII.]

MINORITY REPORT

OF THE

JOINT COMMITTEE OF FINANCE.

1852.

REPORT.

The undersigned, being a minority of the joint committee, composed of the two committees of finance of the senate and the house, beg leave respectfully to report, that they do not assent to the bill for imposing taxes, reported from said committee. Their disagreement is founded on reasons which will be briefly assigned. Their first objection is to the anomalous character of the bill. It ascertains and fixes the aggregate amount of taxes to be collected from the whole property of the state, and then devolves upon certain officers of the government the equal ratable assessment of the taxes upon the various subjects returned by the commissioners of the revenue. This is claimed to be a mere clerical duty, involving no legislative power, and is justified, because of the absence of the commissioners' returns. It is not material to enquire into the improbability of any abuse of this proposed delegation of power. However slight and chimerical that may seem, the question of right is not affected by that consideration, but ought to be tested on theory, without any resort whatsoever to probabilities. Now, the power of taxation is an entire duty, and is wholly devolved upon the representative by our bill of rights and the general fundamental principles of our government. It involves not only a power to raise public revenue by an assessment in gross upon the aggregate property of all the citizens of the state, but embraces, according to ancient parliamentary usage, the duty of so imposing the taxes on the various subjects as to ascertain with certainty the burthen to devolve on each particular citizen. This is the highest and far the most delicate function of the representative. He alone is deputed to it, and has no warrant, under the principles of law or the constitution, to delegate it to another, either in part or whole. When the representative has fixed to his own satisfaction the aggregate of taxes to be raised, his apportionment of that amount, on the *ad valorem* principle, among the subjects of taxation, may in like manner be termed a plain arithmetical process, involving no discretion, and constituting a mere clerical duty; but it is not the less clear on that account that his vote is required, as to this matter, by the constitution. That instrument declares that "every act which imposes a tax shall be determined by yeas and nays, and the names of the persons voting for and against the same shall be entered on the journals of the respective houses, and a majority of all the members elected to each house shall be necessary to give it the force of a law." It will be conceded that "to impose a tax" in the language of the constitution, means such a desig-

nation of the taxes on the various subjects of taxation as will fix for each citizen the amount of his contribution to the public treasury.

If the assembly were to content itself with a mere enactment that a gross sum should be levied on the property of the citizens, without applying it to each individual subject or class of subjects of taxation, this could not be termed "*imposing a tax*," for under such a law, without farther provision, no taxes would or could be collectable. If this, then, be true, *the imposition of taxes* on the particular subjects is the material substantive part of this high delegated trust, and is inseparable from that general indivisible power of taxation, with which the people have clothed their representatives alone. Their jealousy of this delicate legislative prerogative is shewn by the nature of the constitutional provision already cited. While then the assembly alone can "*impose a tax*," and that only by a vote of a majority of the whole body, it is proposed by this bill that we shall deliberately abdicate our authority in this respect by a mere enactment declaring the amount to be raised by taxation, and leaving to our deputies, wholly unknown and irresponsible to our constituents, the actual imposition of taxes on the individual citizen. The gravity of such an offence against the constitution and our representative obligations is not at all mitigated by the fact that nothing is left to the *discretion* of our deputy or deputies. True the bill guards this anomalous deputation of our own representative powers with a succession of checks that implies the possibility if not likelihood of abuse. But if no room be left for the exercise of *discretion*, surely there is no lack of *power*—absolutely irresponsible and uncontrollable *power*. To test this, suppose our deputy should, through mistake, or out of the very wantonness of power, go under or beyond the limits we prescribe for him, what relief or remedy have we or our constituents against this abuse of his power? Our mouths are stopped and our accountability fearfully enhanced by the very nature of the step we have taken. In such an event, it could be well said the mischief was of our own creation, and arose from an indefensible delegation to others of powers exclusively conferred upon us. But again—suppose our deputy should decline the duty we would impose on him, or should by death or sickness be disabled from its discharge, where is our power of coercion, and what becomes of our singular inchoate tax bill? These suppositions are not made by way of hinting the probability of such results, but only by way of testing in theory the legality of this procedure. But if this reasoning does not demonstrate the actual unconstitutionality of such a bill, does it not raise a serious question as to its propriety? And if the levying of taxes on conjectural estimates be an evil of sufficient importance to excuse such doubtful policy, is not such a law, in its bearing and tendency as a precedent, even a greater evil?

The necessity of the case is pleaded in justification of this bill. If we have the materials to make a fair estimate of the taxable property of the state, that ought to suffice, because an overplus or deficiency can be soon remedied at the extra session already resolved on. It will be recollected that when a very large addition of taxes was made in 1843, there was no basis for a calculation of what they would bring

into the treasury, and that they actually yielded some three hundred thousand dollars beyond the estimates. Now, however, from the returns of the late federal census and the commissioners' books, we have the means of estimating all the taxable property of the state, save household furniture and some few other subjects. The first auditor, in his report, (Doc. No. 65,) has given us an estimate founded on these sources of information, which can be reformed to suit the views of each member, and guide his vote as to the rate of taxation. The joint committee of finance has reported the sum of \$850,000 to be raised by the property tax, and the undersigned believe that that amount will be realized by a tax of some eighteen cents on every hundred dollars value. They do not, therefore, see why the assembly should not itself fix the *ad valorem* tax, so as to enable the commissioners at once to complete their books, and set the sheriffs to the business of collection.

The undersigned fear that the committee's bill will almost defeat the collection of taxes during the current year. The return of the commissioners' books cannot be expected before the first of October. Then the auditor would have to make his calculations, impose the rate, and certify it to the commissioners. They, in their turn, would have then to complete their books; and it is scarcely reasonable to suppose that all this could be done under six weeks or two months; so that the sheriffs, in all human probability, cannot commence the collection till towards the last month of the year. If, on the contrary, the assembly pass the tax bill as usual, the commissioners can complete their books as soon as the returns now expected of them.

For these reasons, the undersigned respectfully submit herewith a bill imposing taxes, as a substitute for the bill on the same subject from the joint committee.

ALEX. RIVES,
THOS. J. BOYD,
JAS. BARBOUR,
JNO. M. SPEED,
House Committee.

E. R. WATSON,
Senate Committee.

[DOC. No. LXXXIV.]

REPORT

OF THE

COMMITTEE FOR COURTS OF JUSTICE

RELATIVE TO THE

EXERCISE OF THE PARDONING POWER

IN

JORDAN HATCHER'S CASE.

1852.

REPORT.

The committee for courts of justice, to whom was referred a preamble and resolution in relation to the exercise of the power of commutation by the governor in the case of the slave Jordan Hatcher, with the messages of the executive of the 11th and 19th of May 1852, with instructions to enquire into and report what legislation, if any, is necessary thereon, and to report any resolution which in their judgment may be proper for the adoption of this house, have had the same under consideration, and recommend the following preamble and resolution as what is proper for the adoption of the house:

Whereas Jordan Hatcher, a slave, was recently convicted of the murder of William P. Jackson, and sentenced to be punished with death, and afterwards the governor of this commonwealth commuted the said punishment to sale and transportation beyond the limits of the United States; and whereas since said order of commutation, the governor has in a message of the 11th of May 1852, in pursuance of his constitutional duty, communicated to the general assembly his reasons for commuting the said punishment, and in a subsequent message of the 19th of May 1852, more fully explained his views: Therefore,

Resolved, That while this house respectfully but distinctly dissents from the doctrines expressed by the executive in the message of the 11th of May, as generally understood and interpreted previous to the message of the 19th of May, it expresses its satisfaction at the sentiments proclaimed in the latter message, and its concurrence in the legal views of the executive contained therein, except so far as not to express an opinion of the correctness of the conclusion of the executive as to the propriety of the commutation of the punishment of the slave.

[DOC. No. LXXXIV.]

MINORITY REPORT

OF THE

COMMITTEE FOR COURTS OF JUSTICE

RELATIVE TO THE

EXERCISE OF THE PARDONING POWER

IN

JORDAN HATCHER'S CASE.

1852.

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The following report with the subjoined preamble and resolutions having been submitted to the committee for courts of justice for their adoption, that committee, by an equal division, declined to make any explanatory report, and rejected the subjoined preamble and resolutions. The undersigned, members of said committee, being of opinion that the said report, preamble and resolutions ought to have been adopted by the committee and presented to the house, beg leave now to present the same as expressive of their views.

CON. ROBINSON,
R. E. SCOTT,
GEORGE TOWNES,
JNO. ECHOLS,
JNO. M. SPEED,
CHARLES W. RUSSELL.

REPORT.

The committee for courts of justice, to whom was referred a preamble and resolution in relation to the exercise of the power of commutation by the governor in the case of the slave Jordan Hatcher, with the messages of the executive of the 11th and 19th of May 1862, respectfully report:

That in the case in question, the governor had clearly the power to order a commutation of the punishment; for the 5th section of the 5th article of the constitution provides, that the governor shall have power, except where the prosecution has been carried on by the house of delegates, or the law shall otherwise particularly direct, to grant reprieves and pardons after conviction, and to commute capital punishment; and so far from the law directing otherwise, it has expressly declared that "in the case of a slave under sentence of death, the governor may order a commutation of the punishment, by directing that such slave be sold to be transported beyond the limits of the United States."

The section of the constitution just referred to, however, requires that the governor shall communicate to the general assembly, at each session, the particulars of every case of reprieve or pardon granted, and of punishment commuted, with his reasons for granting or commuting the same. And the preamble and resolution referred to the committee relate to the governor's reasons for the commutation in the case mentioned in the messages of the 11th and 19th of May.

We think there can be no reasonable ground to doubt the right of the general assembly to consider those reasons. It cannot, it is true, consider them as an appellate tribunal, to affect the result of the particular case; that is beyond its powers. But it may consider them in its legislative capacity, in order that the governor's power of pardon and commutation may be restrained by the particular directions of the law, if good cause appear for such restraint. The house of delegates might also consider them with a view of determining whether the governor has so offended against the state by mal-administration as to render him impeachable. And independently of these two grounds, we think that though the house may not deem it a case proper for an impeachment, and though the general assembly may not deem it proper to change the law, it will not be going too far to hold that the legislature may, in respectful terms, express its opinion in regard to the reasons of the executive, to the end that that opinion may in any fu-

ture case of the like nature, or resting upon like grounds, have upon the executive such influence as the executive may deem due to the opinion of those who have a right to make or change the law.

We proceed now to examine the governor's reasons, which contain views, both as to the law and the facts, "that Jackson's death was caused by a blow inflicted by Hatcher, there can be no doubt." The governor so states in his message of the 11th of May; but he infers that the slave "had no intention of committing murder or of taking the life of his overseer." On examining the record, we find that Hatcher struck Jackson on the forehead with an iron poker of sufficient size and weight to give a mortal blow: the instrument was such as would probably have occasioned death or great bodily harm. Such being the character of the instrument, the absence of an intention to kill is not of itself sufficient to prevent the homicide being murder. We cannot therefore concur in the position taken in the message, that "if Hatcher had been a white man, the utmost he could have been charged with would have been justifiable homicide or involuntary manslaughter."

The case of a white person most analogous is that of an apprentice. Moderate and reasonable correction may properly be given by a master to an apprentice as well as to a slave under his care.* Such correction cannot justify more than would be justified in cases of slight provocation. And it is laid down that "in all cases of slight provocation, if it may be reasonably collected from the weapon made use of or from any other circumstance that the party intended to kill or to do some great bodily harm, such homicide will be murder."<†

The power conferred on the master by the relation of master and slave being confessedly much greater than is conferred by the relation of master and apprentice, we entirely dissent from the position taken in the message of the 11th of May, that the homicide "in this case was but manslaughter." If great suffering at the moment of the blow would in any case be an extenuation, we see no evidence of such suffering in this case. It appears to be a case in which the overseer, standing in the place of master, was exercising his right moderately to chastise the slave, and the slave used unlawful means to prevent that chastisement, a case in which the slave by those means caused the death of the master, and for this was sentenced to be punished with death.

We are not satisfied that the infliction of the penalty of death under such circumstances would be against the spirit of our laws, or of the age, or be contrary to humanity. Nor are we satisfied that this is a case in which the sentence ought to have been commuted. On the contrary, after giving to the messages both of the 11th and 19th of May, all proper consideration, we are inclined to think that sufficient reasons are not assigned for the exercise of executive clemency in this case.

The act of the executive, with the reasons assigned for it in the former message, had a tendency to produce a spirit of insubordination

* Russell on Crimes, vol. 1, p. 532.

† Russell on Crimes, vol. 1, p. 440.

dangerous to the community. In this aspect we should deem it a proper subject for further comment, were it not for the sounder views presented in the latter message.

Such further legislation as may be deemed proper will be embodied in a bill to be reported by the committee. The necessity, however, for further legislation to restrain the power of pardon or commutation, is much less since the message of the 19th of May than it would have been had the matter stood merely upon the message of the 11th of May. In such legislation, as well as in the expression of our opinion, we should be mindful of the importance of doing nothing to prevent the exercise of the power of pardon or commutation in cases fit and proper for executive interference.

The committee recommend the following preamble and resolutions as proper to be adopted :

Whereas Jordan Hatcher, a slave, charged with having feloniously and of malice, killed and murdered William P. Jackson, was, on the 12th March last, tried therefor before the court of hustings for the city of Richmond, and the court composed of five justices being unanimously of opinion that he was guilty of the crime with which he stood charged, sentenced him to be punished with death ; and afterwards the governor of this state ordered a commutation of the punishment, by directing the said slave to be sold, to be transported beyond the limits of the United States, and since said order, has, in a message of the 11th of May 1852, pursuant to the fifth section of the fifth article of the constitution, communicated to the general assembly his reasons for commuting the said punishment, and in a further message of the 19th of May 1852, explained his views :

Resolved by the general assembly, That while the governor in the case of the slave Jordan Hatcher had the power to order a commutation of the punishment, and the assembly believes exercised that power conscientiously, yet in his message of the 11th of May assigning his reasons for the commutation, he expressed views which, in the opinion of the general assembly, are erroneous, and might, if acted on, be productive of mischief.

Resolved further, That the general assembly doth declare its concurrence in the views of the governor's explanatory message of the 19th May, so far as it can, without expressing an opinion as to the conclusion to which the governor came, that the record of Jordan Hatcher's conviction presented a case fit for the interference of the executive.

[DOC. No. LXXXV.]

PETITION

OF THE

JAMES RIVER AND KANAWHA COMPANY,

ASKING FOR

MEANS TO EXTEND ITS IMPROVEMENT.

1852.

At a meeting of the president and directors of the James river and Kanawha company, held on Saturday, March 27th, 1852 :

Resolved, That the president be authorized to prepare and submit to the legislature a memorial in conformity with the instructions contained in the resolution of the stockholders, adopted in general meeting on the 26th instant, in these words :

“ *Resolved*, That the president and directors apply to the legislature to provide the means necessary to extend the canal to or near Covington, and the means necessary to enable the company to construct thence a railroad to the Ohio river, leaving the company at liberty to complete the water line when hereafter it may be practicable.”

Extract from the records.

WM. P. MUNFORD,
Secretary.

PETITION.

To the General Assembly of Virginia.

The memorial of the James river and Kanawha company humbly represents, that at an adjourned general meeting of the stockholders of said company, held on the 26th of March last, a resolution was adopted in these words:

Resolved, That the president and directors apply to the legislature to provide the means necessary to extend the canal to or near Covington, and the means necessary to enable the company to construct thence a railroad to the Ohio river, leaving the company at liberty to complete the water line when hereafter it may be practicable."

The undersigned, in obedience to the instructions contained in this resolution, has the honor to submit this memorial.

The advantages which may be anticipated from the extension of the company's improvement to the Ohio river, where it will be able to compete for the great trade and travel of the Valley of the Mississippi and its tributaries, have been so fully set forth, that it is not deemed necessary to do more than refer to them in this memorial. The improvement of the James river and Kanawha company has penetrated the Valley of Virginia, and the increasing business of the canal demonstrates its increasing usefulness, and justifies the anticipations of its largely increased income.

The stockholders ask the general assembly to furnish the means of extending the improvement by canal to or near Covington, and thence, by railroad, to the Ohio, and in this respect modify their petition presented at the beginning of your present session. Its charter secures the right to this company to locate and construct their improvement, by railroad or canal, to the Ohio river. The incorporation of other companies, whose works look to a connection with the Mississippi Valley, the location of which may interfere with the improvement of this company, has produced the conviction with the stockholders of the James river and Kanawha company, that it is better that their improvement should be extended in that form, because they believe that it can be constructed in a shorter time, and form such connections as to make it a harmonious part of a system, by which a large portion of the great trade and travel of the West can be brought over the lines of improvement of Virginia, and the interests of their own improvement be essentially promoted. But believing that the amount of business will in time demand a larger and more capacious medium of transportation, the stockholders look to the ultimate advantage of the extension of their water line.

In a spirit of concession, they adopted their resolution in the form presented, deeming it wise and judicious to reserve the power to establish their extended canal, when future events have demonstrated its necessity and practicability. In this view, it is a matter of great importance that the prior right of location secured to this company should be respected, and the railway extension be made a part of the James river and Kanawha improvement, located and constructed under their direction, with such restrictions as in the wisdom of the legislature may seem necessary to prevent unreasonable monopoly or injurious exercise of the company's rights in reference to the great interests of the state. But if in this expectation they shall be disappointed, if the railroad shall be found sufficient to supply the wants of the trade and travel which may use the highway to market through Virginia, then there will be no necessity for the extension of the water line, and the location of the railroad, with a reservation of the necessary ground for the location of the canal, can do no harm.

The undersigned, in discharge of the duty assigned, respectfully prays your honorable bodies to give a favorable consideration to the request of the stockholders submitted in this memorial, &c.

J. Y. MASON,
Pres't J. R. & K. Co.
For himself and Board of Directors.

[DOC. No. LXXXVI.]

REPORT

OF

THE ARMORY COMMITTEE

RELATIVE TO

HIGHWAYS THROUGH ARMORY GROUNDS.

1852.

REPORT.

The committee on the armory, to whom have been referred the petitions of the council of the city of Richmond, and one from the citizens of said city, have had the same under consideration—have visited the grounds at the armory through which the several highways are prayed for—have listened to elaborate arguments, and have read written statements from the attorney representing the petitioners, and from the superintendent of the armory acting on behalf of the state by request of the committee, (which statements are herewith submitted,) and have come to the following conclusions:

First. That it would be injurious to the state property at the armory, and is inexpedient to grant a public highway in front of the armory buildings between said buildings and the canal, especially when all the ends to be obtained by said highway can be equally as well secured by a way entirely practicable along the north side of the canal, and by a bridge across the canal above the armory grounds, interfering with no individual rights or interests.

Second. That it would be injurious to this state property, and is inexpedient to grant a public highway along the east end of said buildings, because the distance from the end of said buildings to the limit of the state ground is but 32 feet. To grant a street along here would leave the arms and other public property stored necessarily in this wing of the building, much exposed. Nor can the committee see any advantages to be derived by the city of Richmond commensurate with the injury to be done to the state.

Third. So far as a change of location of the right of way granted by the law of 20th February 1845 is petitioned for, the committee can see no serious objection, and report a bill in accordance therewith.

[DOC. No. LXXXVII.]

BANK STATEMENTS.

APRIL 1852.

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

EXECUTIVE DEPARTMENT,
June 2, 1852.

To the General Assembly of Virginia.

I have the honor to communicate herewith statements shewing the condition of the Bank of the Valley and the Exchange Bank of Virginia on the 1st of April last.

Very respectfully,

JOS. JOHNSON.

CONDITION OF THE EXCHANGE BANK.

EXCHANGE BANK OF VIRGINIA,
May 3, 1862.

SIR,

I have the honor to transmit herewith the usual quarterly statements of the condition of this institution as it existed on the 31st day of March last.

Very respectfully,

Your obedient servant,

W. SOUTHGATE, *Cash'r.*

To his Excellency JOSEPH JOHNSON,
Governor of Virginia.

General Statement of the Condition of the Exchange Bank

| | | | |
|--|---|------------|---------------------|
| Loans or discounts: | | | |
| At the parent bank, | - | - | 575,973 28 |
| At branch in Richmond, | - | - | 1,195,341 76 |
| Petersburg, | - | - | 737,095 40 |
| Clarkeville, | - | - | 404,178 75 |
| Alexandria, | - | - | 390,651 55 |
| Abingdon, | - | - | 321,833 51 |
| Salem, | - | - | 279,659 63 |
| | | | <u>3,904,773 88</u> |
| Foreign bills of exchange, at Richmond, | - | - | 13,572 76 |
| Due by other banks, in account, | - | - | 95,419 12 |
| Due in notes of Virginia banks, | - | 114,791 00 | |
| banks elsewhere, | - | 59,652 00 | |
| | | | <u>174,443 00</u> |
| | | | <u>269,862 12</u> |
| Suspended debt, at Petersburg, | - | - | 17,007 79 |
| Total \$4,245,216 55, amount of debts due to the bank. | | | |
| Real estate, in banking houses and lots, | - | - | 87,628 72 |
| property acquired for debts, | - | - | 4,390 53 |
| | | | <u>92,019 25</u> |
| Specie: | | | |
| At parent bank, | - | - | 36,060 27 |
| At branch in Richmond, | - | - | 89,017 78 |
| Petersburg, | - | - | 80,938 29 |
| Clarkeville, | - | - | 73,275 24 |
| Alexandria, | - | - | 32,430 46 |
| Abingdon, | - | - | 63,886 35 |
| Salem, | - | - | 25,063 50 |
| | | | <u>408,671 89</u> |
| In gold, | - | 319,574 22 | |
| In silver, | - | 81,097 67 | |

\$4,697,907 69

Notes in Circulation, and of each Denomination.

| | 100s. | 50s. | 20s. | 15s. | 10s. | 5s. | 2s. | 1s. | TOTAL |
|--------------|-------------|-------------|---------------|-------------|---------------|--------------|------------|------------|---------------------|
| At Norfolk. | 60 | 232 | 1123 | 965 | 2592 | 2519 | 48 | 186 | 93,332 00 |
| Richmond. | 754 | 932 | 1406 | 1684 | 1803½ | 5245½ | 112 | 232 | 220,096 50 |
| Petersburg, | 91 | 1572 | 6030 | 373 | 3803 | 6240 | 41 | 166 | 220,373 00 |
| Clarkeville, | 811 | 1212 | 3846½ | 901 | 4750 | 6827 | 99 | 349 | 314,327 00 |
| Alexandria, | 34 | 91 | 672 | 611 | 2142 | 5953 | - | - | 81,740 00 |
| Abingdon, | 282 | 1578 | 3111 | 2168 | 5362 | 7431 | - | - | 292,615 00 |
| Salem, | 984 | 1143 | 758 | 795 | 769 | 780 | - | - | 194,225 00 |
| | <u>2946</u> | <u>6760</u> | <u>16946½</u> | <u>7497</u> | <u>21221½</u> | <u>3499½</u> | <u>300</u> | <u>933</u> | <u>1,476,710 50</u> |

of Virginia and its Branches, on the 31st March 1852.

| | | | | |
|---|---|-----------|--------------|--------------|
| Capital paid in, | - | - | - | 1,940,300 00 |
| Distributed as follows: | | | | |
| At parent bank, | - | - | 400,300 00 | |
| At branch in Richmond, | - | - | 500,000 00 | |
| " Petersburg, | - | - | 400,000 00 | |
| " Clarksville, | - | - | 200,000 00 | |
| " Alexandria, | - | - | 220,000 00 | |
| " Abingdon, | - | - | 120,000 00 | |
| " Salem, | - | - | 100,000 00 | |
| Circulation: | | | | |
| At parent bank, | - | - | 93,332 00 | |
| At branch in Richmond, | - | - | 220,098 50 | |
| " Petersburg, | - | - | 230,373 00 | |
| " Clarksville, | - | - | 314,327 00 | |
| " Alexandria, | - | - | 81,710 00 | |
| " Abingdon, | - | - | 292,615 00 | |
| " Salem, | - | - | 194,225 00 | |
| | | | 1,476,710 50 | |
| Of the late Farmers Bank, Alexandria, | - | - | 2,437 00 | |
| | | | | 1,479,207 50 |
| Due to other banks, in account, | - | - | - | 151,007 30 |
| Deposits: | | | | |
| In dividends unclaimed, | - | - | 1,866 25 | |
| At parent bank, | - | - | 115,293 80 | |
| At branch in Richmond, | - | - | 452,393 18 | |
| " Petersburg, | - | - | 138,197 48 | |
| " Clarksville, | - | - | 55,980 20 | |
| " Alexandria, | - | - | 84,715 80 | |
| " Abingdon, | - | - | 32,896 74 | |
| " Salem, | - | - | 20,801 77 | |
| | | | | 902,147 23 |
| Resulting balance of transactions yet in transit bank and branches, | - | - | - | 10,026 50 |
| \$2,542,988 60, amount of debts due by the bank, less capital. | | | | |
| Contingent fund, as follows: | | | | |
| At parent bank, | - | 5,993 29 | | |
| At branch in Richmond, | - | 95,592 83 | | |
| " Clarksville, | - | 36,646 56 | | |
| " Alexandria, | - | 14,865 74 | | |
| " Abingdon, | - | 4,526 42 | | |
| " Salem, | - | 174 63 | | |
| | | | 157,799 51 | |
| Less, offset at Petersburg, | - | - | 8,474 98 | |
| | | | 149,324 53 | |
| Profit and loss, general account, | - | - | 9 60 | |
| Discounts since dividend, | - | 76,183 24 | | |
| Exchange, " " | - | 5,609 79 | | |
| | | 81,793 03 | | |
| Less expenses since dividend, | - | 16,567 50 | | |
| | | | 65,225 47 | |
| Excess of assets, | - | - | | 214,619 00 |

\$4,697,987 00

The bad and doubtful debts are as follow:

| | | | |
|-----------------------------------|---|-------------|-------------|
| At Petersburg, reported doubtful, | - | 16,600 00 | 16,600 00 |
| Do. good, | - | 437 79 | |
| Suspended debt, | | \$17,037 79 | |
| At Alexandria, reported bad, | - | - | 645 00 |
| Whole amount of doubtful and bad, | - | | \$17,245 00 |

EXCHANGE ACCOUNT.

| PARENT BANK: | | PARENT BANK: | |
|--|-------------------|---|-------------------|
| Northern Funds Bought: | | Northern Funds Sold: | |
| \$45,135 48, at $\frac{1}{2}$ a $\frac{1}{2}$ p. c. prem. | 106 00 | \$106,009, at $\frac{1}{2}$ a $\frac{1}{2}$ p. c. prem. | 1,081 54 |
| Specie Bought: | | Specie fund for \$4,731 13, | 31 50 |
| \$235, at $\frac{1}{2}$ p. c. prem. | 1 17 | Damages on \$1,189 96 of bills | |
| Balance to new account, | 1,604 54 | protested, at 3 p. c. | 35 06 |
| | | Gain on sterling bill, | 22 92 |
| | <u>\$1,171 71</u> | | <u>\$1,171 71</u> |
| | | | 1,081 54 |
| RICHMOND: | | RICHMOND: | |
| On \$410,000, principally North- | | Balance on 31st Dec 1851, | 282 00 |
| ern funds, at $\frac{1}{2}$ a $\frac{1}{2}$ p. c. prem. | 2,108 71 | On \$673,543, principally North- | |
| Balance to new account, | 2,493 41 | ern funds, at $\frac{1}{2}$ a $\frac{1}{2}$ p. c. prem. | 4,530 43 |
| | <u>\$4,602 12</u> | | <u>\$4,812 12</u> |
| | | | 2,832 42 |
| PETERSBURG: | | PETERSBURG: | |
| On \$729,414, principally North- | | Balance 31st December 1852, | 334 54 |
| ern funds, at $\frac{1}{2}$ a $\frac{1}{2}$ p. c. prem. | 1,372 57 | On \$310,339, principally North- | |
| Balance to new account, | 1,269 58 | ern funds, at $\frac{1}{2}$ p. c. prem. | 2,387 55 |
| | <u>\$2,642 09</u> | | <u>\$2,692 09</u> |
| | | | 1,389 28 |
| CLARKESVILLE: | | CLARKESVILLE: | |
| Northern Funds Bought: | | Balance on 31st Dec 1851, | 86 19 |
| \$60,741 64, at $\frac{1}{2}$ a $\frac{1}{2}$ p. c. prem. | 306 01 | Northern Funds Sold: | |
| Transportation of specie, | 3 25 | \$46,084 67, at $\frac{1}{2}$ a $\frac{1}{2}$ p. c. prem. | 641 00 |
| Balance to new account, | 425 71 | Southern Funds Bought: | |
| | | \$2,708 92, at $\frac{1}{2}$ p. c. discount, | 5 00 |
| | | Commission col'd \$400 00, at | |
| | | 1 p. c. | 2 00 |
| | <u>\$734 97</u> | | <u>\$734 97</u> |
| | | | 65 74 |
| ALEXANDRIA: | | ALEXANDRIA: | |
| Paid on \$73,336, at $\frac{1}{2}$ a $\frac{1}{2}$ p. c. | 349 25 | Balance on 31st Dec. 1851, | 26 41 |
| Balance to new account, | 149 10 | Received on \$75,638, at $\frac{1}{2}$ a $\frac{1}{2}$ | |
| | | p. c. | 472 24 |
| | <u>\$498 35</u> | | <u>\$494 65</u> |
| | | | 169 28 |
| ABINGDON: | | ABINGDON: | |
| On \$9,768, Northern funds, at | | On \$11,845, Northern funds, at | |
| $\frac{1}{2}$ a $\frac{1}{2}$ p. c. prem. | 13 44 | $\frac{1}{2}$ a $\frac{1}{2}$ p. c. prem. | 115 26 |
| Balance to new account, | 101 63 | | |
| | <u>\$115 26</u> | | <u>\$115 26</u> |
| | | | 101 63 |
| SALEM: | | SALEM: | |
| On \$60, Northern funds, at $\frac{1}{2}$ p. | | Balance on 31st Dec. 1851, | 1 36 |
| c. prem. | 20 | On \$1,112 50, Northern funds, | |
| Balance to new account, | 5 69 | at $\frac{1}{2}$ p. c. | 4 53 |
| | <u>\$25 69</u> | | <u>\$5 19</u> |
| | | | 1 36 |
| | | Amount, | <u>\$5 00 72</u> |
| Dividend of profits, declared 6th January 1852, on \$1,940,000 capital, at | | | |
| 4 $\frac{1}{2}$ p. c. gross, | | 82,470 | |
| Less bonus, $\frac{1}{2}$ p. c. | | 4,750 | |
| Or 4 p. c. net, | | <u>\$77,620</u> | |

A Comparative View of the Condition of the Exchange Bank of

| ASSETS. | 1851. | 1852. |
|--|---------------|------------|
| Loans to individuals, - - - | 3860936 53 | 3904773 88 |
| Foreign bills of exchange, - - - | - | 13573 76 |
| Virginia state stock, - - - | 75000 00 | |
| Due by other banks: | | |
| In account, - - - | 115396 15 | 95419 12 |
| In notes of Virginia banks, - - - | 155395 00 | 114791 08 |
| In notes of other banks, - - - | 22163 00 | 59652 08 |
| Suspended debt at Petersburg, - - - | 30741 36 | 17007 79 |
| Real estate, - - - | 93948 99 | 92019 25 |
| Specie, - - - | 479127 68 | 400671 69 |
| Resulting balance of transactions yet in transit, bank and branches, - - - | 43669 89 | |
| | \$ 4876378 59 | 4697907 09 |

Virginia, taken from the Statements of the 31st of March 1851 and 1852.

| LIABILITIES. | 1851. | 1852. |
|--|---------------|------------|
| Capital stock, - - - - | 1904800 00 | 1940300 00 |
| Circulation, - - - - | 1788700 00 | 1479207 50 |
| Due to other banks, in account, - - - - | 176660 67 | 151007 39 |
| Deposits, - - - - | 817942 37 | 902147 23 |
| Resulting balance of transactions yet in transit, bank and branches, - - - - | - | 10626 58 |
| Excess of assets, - - - - | 188275 55 | 214619 00 |
| | \$ 4876378 59 | 4697907 69 |

W. SOUTHGATE, Cash'r.

We, the undersigned, directors of the Exchange Bank of Virginia, having examined the foregoing statements, certify that they represent the true condition of the bank on the 31st March 1852; and that the resolution of the stockholders, at their meeting of the 5th May 1841, in regard to the accuracy of the accounts of individuals with the bank, has been complied with as follows: The branches of Alexandria and Abingdon report a perfect agreement between their general and private ledgers; the branch at Richmond, after discovering and correcting the variation of \$ 48 75, mentioned in the last statement, reports a present one of \$18 14; the branch at Petersburg has one of \$ 80 85; the branch at Clarksville one of \$10; the branch at Salem one of \$ 65 99; and the parent bank one of \$ 47 09.

RICHARD DICKSON,
E. C. ROBINSON,
F. W. SOUTHGATE,
WM. S. MALLORY,
WM. J. HARDY.

Noted City, to wit:

Personally appeared before me, an alderman of the said city, Wright Southgate, cashier of the Exchange Bank of Virginia, who made oath that the preceding statements faithfully exhibit the condition of the bank on the 31st March 1852.

Given under my hand and seal this 3d day of May 1852.

N. C. WHITEHEAD, J. P.

CONDITION OF THE BANK OF THE VALLEY.

BANK OF THE VALLEY IN VIRGINIA,
Winchester, May 3, 1852.

DEAR SIR,

I enclose statements shewing the condition of this bank
on the 1st day of April 1852 and 1st day of April 1851.

Very respectfully,

Your obedient servant,

H. M. BRENT, *Cashier.*

To his Excellency JOSEPH JOHNSON,
Governor of Virginia.

State of the Bank of the Valley in Virginia, including

| | | | | |
|---|---|---|-------------|--------------|
| Specie, | - | - | - | 368,390 96 |
| Notes of banks incorporated by the state, | - | - | - | 125,019 00 |
| Notes of banks incorporated elsewhere, | - | - | - | 48,784 00 |
| Due from other banks, | - | - | - | 496,061 43 |
| Notes discounted, | - | - | - | 1,932,257 48 |
| Inland bills discounted, | - | - | - | 273,635 79 |
| Bond account, | - | - | - | 13,093 55 |
| Stock purchased to secure a debt, | - | - | - | 8,000 00 |
| Real estate, | - | - | - | 55,464 56 |
| Bad debts, | - | - | \$ 2,876 67 | |
| Doubtful debts, | - | - | 13,009 38 | |
| In transit, | - | - | - | 1,635 08 |

\$ 3,321,272 65

its Offices of Discount and Deposit, April 1, 1851.

| | | | | | |
|-------------------------|---|---|---|---------------|------------------------|
| Capital stock, | - | - | - | - | 1,100,000 00 |
| Notes in circulation: | | | | | |
| In notes of \$100 each, | - | - | - | \$ 326,600 00 | |
| " " 50 " | - | - | - | 465,975 00 | |
| " " 20 " | - | - | - | 356,000 00 | |
| " " 10 " | - | - | - | 278,945 00 | |
| " " 5 " | - | - | - | 272,547 50 | |
| " " 2 " | - | - | - | 1,928 00 | |
| " " 1 " | - | - | - | 1,836 00 | |
| | | | | | <hr/> |
| | | | | | 1,703,131 50 |
| Due to other banks, | - | - | - | - | 44 445 30 |
| Discount, | - | - | - | - | 36,988 07 |
| Contingent fund, | - | - | - | - | 91,407 28 |
| Deposit money, | - | - | - | - | 346,300 50 |
| | | | | | <hr/> |
| | | | | | <u>\$ 3,322,272 65</u> |

State of the Bank of the Valley in Virginia, including

| | | | | | |
|---|---|---|---|-------------|--------------|
| Specie, | - | - | - | - | 375,013 93 |
| Notes of banks incorporated by the state, | - | - | - | - | 96,637 32 |
| Notes of banks incorporated elsewhere, | - | - | - | - | 14,788 13 |
| Due from other banks, | - | - | - | - | 410,542 95 |
| Notes discounted, | - | - | - | - | 1,211,571 86 |
| Inland bills discounted, | - | - | - | - | 283,401 89 |
| Bond account, | - | - | - | - | 14,886 23 |
| Stock purchased to secure a debt, | - | - | - | - | 8,000 00 |
| Real estate, | - | - | - | - | 55,464 56 |
| Bad debts, | - | - | - | \$ 2,734 46 | |
| Doubtful debts, | - | - | - | 12,230 75 | |

\$ 3,072,300 87

its Offices of Discount and Deposit, April 1, 1852.

| | | | | | | |
|--|---|---|---|---|---|--------------|
| Capital stock, | - | - | - | - | - | 1,100,000 00 |
| Notes in circulation, | - | - | - | - | - | 1,418,347 50 |
| Due to other banks, | - | - | - | - | - | 59,690 16 |
| Discount, | - | - | - | - | - | 37,612 02 |
| Contingent fund, | - | - | - | - | - | 94,535 19 |
| Deposit money, | - | - | - | - | - | 361,043 03 |
| In transitu between bank and branches, | - | - | - | - | - | 1,063 37 |

\$ 3,072,300 87

We have examined the foregoing statement, and find it correct.

J. A. TIDBALL, *Pres.*
LLOYD LOGAN,
H. H. LEE,
P. WILLIAMS,
SAMUEL REA.

May 1st. 1852.

VIRGINIA—*Frederick County, act:*

This day, personally appeared before the subscriber, a justice of the peace in and for the county aforesaid, Henry M. Brent, cashier of the Bank of the Valley in Virginia, who made oath that the foregoing exhibits a true state of the condition of said bank on the 1st day of April 1852, as made up from the state of the mother bank, and the reports from the several branches thereof, to the best of his knowledge and belief.

Given under my hand this 1st day of May 1852.

J. P. RIELY

[DOC. No. LXXXVIII.]

COMMUNICATION

RELATIVE TO

INTEREST ON BONDS

OF THE

CHESAPEAKE AND OHIO CANAL COMPANY.

1852.

1111

SECOND AUDITOR'S OFFICE,
June 4, 1852.

SIR,

By request of the Board of public works, I herewith transmit, for the information and consideration of the legislature, a communication from W. S. Ringgold, Esq., chief clerk of the Chesapeake and Ohio canal company, to the treasurer of the state, and by him laid before the board, advising of the inability of said company to meet the payment of the interest, amounting to \$9000, which will become due on the 1st of July next on the bonds of said company for \$300,000 guaranteed by the state under the act of March 8th, 1847, chap. 107.

With great respect,

Your ob't serv't,

J. BROWN, Jr.
Second Auditor.

To the Speaker of the House of Delegates.

OFFICE CHESAPEAKE AND OHIO CANAL CO.
Washington, June 3, 1852.

DEAR SIR,

The great disaster, which was sustained by the Chesapeake and Ohio canal from the heavy flood on the Potomac in April last, requiring the expenditure of \$80,000 to restore the navigation and complete the repairs, together with the loss of revenue for two or three months, will render the means of the company altogether inadequate to meet the interest coupons on their bonds issued for the completion of the canal, which will become due on the 1st of July next.

The amount of these bonds is \$1,700,000, of which \$300,000 was guaranteed by the state of Virginia; and I deem it my duty thus early to apprise you of this, that provision may be made for the payment of interest by the state on the amount of its guarantee, if they shall deem it expedient to do so.

Yours, very respectfully,

(Signed,)

W. S. RINGGOLD,
Cl'k Ches. and Ohio Canal Co.

ROBERT BUTLER, Esq.

Treasurer of the State of Va., Richmond.

[DOC. No. LXXXIX.]

MINORITY REPORT

OF THE

ARMORY COMMITTEE

RELATIVE TO

STREETS THROUGH ARMORY GROUNDS.

1852.

REPORT.

The undersigned, a minority of the committee on the armory, to whom was referred the petition of the council of the city of Richmond, praying the legislature to authorize the street heretofore used in front of the armory to be reopened, and other streets to be made through the property of the state adjacent to the armory buildings, beg leave to submit the following report :

The facts upon which the prayer of the petitioners rests, as proved before the committee, appear to be these : Prior to the year 1796 Samuel Overton owned all the land now occupied by the armory and owned by the state adjacent to it, and John Harvie owned the land lying immediately above that and between the James river and James river and Kanawha canal. In June 1796 Harvie bought of Overton a part of this land, and contracted with Overton for a right of way through Overton's land to Harvie's, by extending 5th street in the city of Richmond from its then termination on the canal, until it reached the land owned by Harvie, and 5th street, thus extended, passed obliquely across the land afterwards condemned for the armory by the state.

In May 1798 the state of Virginia condemned for the use of the commonwealth, for the purpose of erecting thereon a manufactory of arms, (afterwards called the armory,) three quarters of an acre of the land belonging to John Harvie and five acres of the land belonging to Overton, which five acres included 5th street as extended by Overton's covenant with Harvie, and the state paid Harvie for his three-quarters of an acre and Overton for his five acres, but paid Harvie nothing for his right of way over Overton's land by 5th street extended, as appears by the inquisition of record.

In the same year, June 1798, shortly after the date of the inquisition, and before the armory was built, the "Directors of Public Buildings," officers appointed by the legislature, and who appear to have been then vested by law with such power over the streets of Richmond, directed, amongst other things, that a street, to be called A street, should be opened to the south of the old town line, and that the street to be called 5th street (as well as the other cross streets in the city) should be extended through the new as well as the old part of the town.

When the armory was built upon the ground which had been condemned for it, 5th street, extended in its direct line, was necessarily occupied by the armory building ; but that building, while it thus necessarily closed up 5th street, extended in its direct line, was placed

far enough from the southern line of the canal to allow the street to turn and pass between the canal and the building at its northwestern end, and in front thereof, and also far enough for A street to pass between the canal and the building at its northeastern end.

Subsequently to the year 1798 John Harvie sold to different persons portions of his land lying above the armory property and between the canal and the river, who erected thereon at different times mills and other manufactories, and amongst others a large mill for the manufactory of flour, afterwards known as Cunningham's mill. In January 1818 those persons, with others who had occasion to go to the mills and manufactories above the armory, as well as to the armory itself, petitioned the council of the city of Richmond to erect a bridge across the canal at its intersection with 5th street in front of the armory, as the most natural and convenient way to the armory itself, and by passing along the way up the canal, between it and the armory, to the mills and manufactories above. The council of Richmond, in May of the same year, 1818, appropriated the sum of \$1500 for the purpose of erecting a bridge over the canal at its intersection with 5th street, and for grading that street, the southern abutment of which bridge rested upon and occupied a portion of the ground in front of the armory, as did also the way from that abutment up the canal to the western line of the armory property. It was moreover stated to the committee that the council of Richmond had, at different periods, exercised control over, and had expended money in the improvement of the street or roadway extending from the southern abutment of the bridge it had erected over the canal, up the canal to the western line of the armory property, in the same way in which the council exercised control over and improved other parts of 5th street and other streets in the city; and there appeared to be no doubt that from the time the armory was built in 1799 or 1800, John Harvie and his assignees, and all other citizens of the commonwealth having occasion to go to the mills and manufactories above the armory, used this street or passway in front of the armory up the canal to the western line of the armory property, and that from the year 1818 at least, the council of Richmond regarded and treated it as a public highway or street until it was closed by a wall built in 1847—that is, for a period of time, say of half a century.

Some time prior to February 1845, a member of the council of Richmond, who was understood by Capt. Dimmock, the superintendent of the armory, to be one of a committee appointed by the council for the purpose of causing a street to be opened in the rear of the armory buildings, (though no such committee appears to have been appointed,) had some conversation with the superintendent of the armory in regard to opening such a street in rear of the armory; from which conversation he inferred, by mistake, that the council of Richmond was willing that the street in front of the armory should be closed if the legislature would authorize another street to be opened in the rear thereof along the river. Acting upon this mistake, the superintendent of the armory suggested it to the committee on the armory, and an act was passed on the 20th of February 1845,

entitled "an act concerning the armory," the second section of which, amongst various other things, authorizes and requires the superintendent "to enclose the public grounds on the north and southwest sides of the armory." By another act, passed the 28th of February 1846, amongst other provisions concerning the armory, the second section provides that a brick wall should be substituted for a plank fence along the line of the front of the armory. Under the supposed authority and requirements of these acts, the superintendent of the armory, probably in the year 1846, caused a brick wall to be constructed in front thereof, so as to obstruct and entirely close up the public highway or street, which had been so long used, in front of the armory and between it and the canal, except that room is left for foot passengers *only*, along the tow-path which is left open for the James river and Kanawha canal.

In the same year, 1847, after this wall was erected, a committee of the council of Richmond, appointed for the purpose of effecting a passway to the mills and manufactories above the armory, reported to that body that they had obtained from the superintendent of the armory the expression of his entire willingness that the wall which had been erected by him should be moved in sufficiently far to afford a passway for carriages between it and the canal, if the proper authority was obtained for it, and it was done at the cost of the city; and a resolution was accordingly adopted by the council authorizing the proper steps to be taken by the commissioners of streets to cause "the reopening of the street" in front of the armory, as recommended in the report. It was also stated to the committee that subsequently to that time various efforts have been made by citizens and by the council of Richmond to effect the reopening of this street.

The third section of the act of February 1846, before referred to, empowered "the executive to authorize the corporate authorities of the city of Richmond to open a street on the line of the armory property, and up the margin of James river, on such terms and conditions as he may deem proper;" and the governor has accordingly authorized a street to be opened, which, as shewn by the survey before the committee, occupies nearly an acre of the armory property, and cuts off from it and renders nearly valueless about half an acre more; besides which, by intervening between the armory property and the river, it deprives that property of its riparian advantages as property extending to and bounded by the river, such as the right to accretion, &c., and it would also afford very inconvenient access to different parts of that property.

The object of the petitioners is, instead of the authorized street along the river, to reopen the street in front of the armory, heretofore used for so long a time; to open another street nearly through the centre of the property between the armory building and a mill owned by the state, and known as Bragg's mill, where a roadway now exists, and must in any event be kept open by the state to afford access to the said mill, and to the iron works beyond, also owned by the state, and leased to a private company, and to connect these two streets by another along the northeastern line of the armory property. All these

streets together, as shewn by the survey before mentioned, will only occupy rather more than an acre of the property, while, as before stated, the authorized street will occupy and destroy nearly an acre and a half; and if it be considered that roadways must at any event be kept open by the state for its own use, in front of the armory inside of the wall, nearly where one of the proposed streets is to be made, and between Bragg's mill and the armory, where another of those streets is to be made, it is obvious that if the proposed streets are authorized, very little more of the state's property will be occupied by them than must be occupied by those roadways in any event; so that the state would gain nearly an acre and a half of land by consenting to substitute the proposed streets for that authorized along the river. The proposed streets, it appears, would also afford convenient access to every part of the state's property, and if well graded and paved, would probably enhance its value, and would certainly do no detriment to it, for the street through the centre would not interfere with any building on the property, and would give lots on each side of it of convenient depth, while that in front would only be made outside instead of inside of the wall which now obstructs it.

It is understood that no objection is made by any to the streets through the centre of the property and along its northeastern boundary, as substitutes for the authorized street on the river; and indeed, the obvious advantages of such a substitution will be conceded by all.

As to reopening the street in front of the armory, it is doubtful if the acts of 1845 and 1846, upon a proper construction of them, were designed to authorize or that they did authorize that street, so long used by the citizens of the commonwealth as a public highway to mills and manufactories, and so long regarded and treated by the council of Richmond as a public street, to be closed at all. In directing the "public property" on the north of the armory to be enclosed, the acts may well be interpreted to mean the property belonging to the state, exclusive of the street, which had been thus used and regarded for so long a time, there being such public property, exclusive of the street, to satisfy the terms of the acts. As shewn by the survey, if this street were reopened as proposed, a space of ground would be left in front of the armory measuring 16 feet in width at its narrowest point, where it is now only 32 feet wide, and 50 feet in width for a considerable distance at its widest part, where it is now only 85 feet wide, and measuring more than 330 feet in length, it being now only 355 feet long.

If the legislature designed to enclose this highway, so long used, by directing the public property to be enclosed by the acts aforesaid, it is believed that it would not have done so if it had been at the time informed of the rights of the heirs and assignees of John Harvie in regard to it, of the fact that persons had bought property, to which it affords the only convenient access, with the understanding that it was a public highway, and had built mills and manufactories on the property so bought, to which it has been so long used as a highway by the public generally, and that the corporate authorities of Richmond had accordingly so long regarded and exercised control over it as a public street. It may well be considered, therefore, that if designed

for this purpose, the acts in question were inadvertently passed, and this they should now be so amended as to give authority to reopen that street, especially as it will be done at the cost of the city of Richmond, and without detriment, as far as can be seen, to the public property, but rather with advantage to it.

The suggestion was made before the committee that a street equally convenient might be obtained on the north side of the canal. It appeared that the property on that side of the canal belonged to the James river and Kanawha company, who had paid a very large sum for it; and a letter was read to the committee from the Hon. John Y. Mason, president of that company, in which he stated, in substance, that it would be required for the necessary purposes of the company, especially in widening their canal at that part of it, and that he should regard its appropriation to the purposes of a street as seriously conflicting with the interests of the company, and would be compelled to oppose it. If the opposition of that company could be overcome, it would scarcely seem either just or proper in the legislature, in reply to the humble prayer of the petitioners to restore to them a right of way so long enjoyed, to turn them over to a contest with the James river and Kanawha company, and to tell the petitioners, in effect, to take land of that company for their purposes, if they could succeed in taking it.

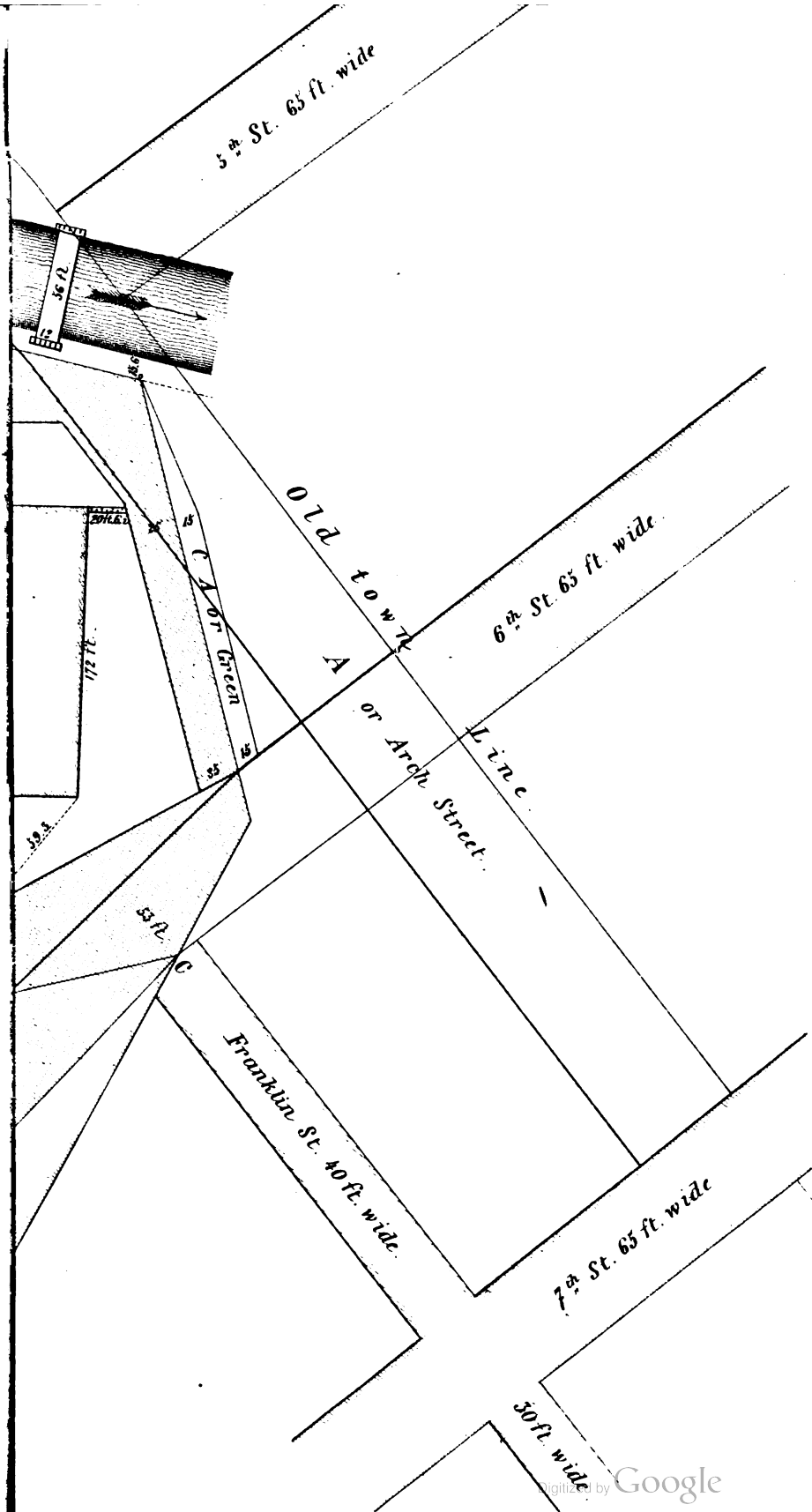
It was also suggested that the prayer of the petitioners to restore to them this right of way might be granted, on condition that they would first open a street on the south side of the canal for some distance below the armory property; and at the same time it was represented to the committee that the cost of doing this was so great that the city would not incur it, and therefore it would not be done. But it would scarcely comport with the dignity of the commonwealth thus to grant the prayer of the petitioners, coupled with a condition believed to be impracticable, and a compliance with which would probably be rendered impracticable by the very act of making it a condition by law.

It is thought if the legislature grants the prayer of the petitioners, it should do so, because justice and the public convenience require it; and the facts stated are considered as appealing very forcibly to the legislature in behalf of that prayer, if they do not make out a conclusive case in favor of it.

Some of the undersigned concur entirely in the views and conclusions presented herein, and all of them concur in the statement of facts made and in the propriety of presenting that statement, together with a bill in conformity with the prayer of the petitioners to the legislature, that they may receive the consideration to which they seem to be entitled.

All which, together with such a bill, is therefore respectfully submitted.

WM. F. BUTLER,
GARRISON JONES,
WM. PRINCE,
J. S. DAVISON,
R. F. DILLARD.



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